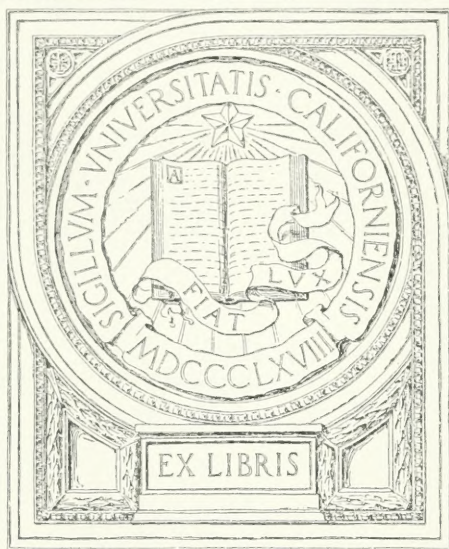




UNIVERSITY OF CALIFORNIA
LOS ANGELES



CHARTER
AND
REVISED ORDINANCES
OF THE
CITY OF SAINT JOSEPH

EMBRACING ALL ORDINANCES OF GENERAL INTEREST
IN FORCE APRIL 1, 1905

TO WHICH ARE ADDED ALL LAWS OF THE STATE OF MISSOURI
OF A GENERAL NATURE APPLICABLE TO THE CITY
OF ST. JOSEPH, AND A HISTORICAL
SKETCH OF THE CITY

Compiled, Arranged, Annotated and
Indexed by
JAMES M. WILSON

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HISTORICAL SKETCH.

The land whereon the city of St. Joseph now stands was first viewed by white men in the summer of 1804, when Lewis and Clarke ascended the Missouri river on their memorable exploring expedition under the direction of President Jefferson. On the 4th day of July of that year they were encamped on the Kansas side, near the present site of the town of Doniphan, and in honor of that day gave the name of Independence Creek to the stream that flows into the river just below that point, and about six miles north of Atchison. On the same day they pulled their boats further up the river and crossed to the Missouri side, exploring a chain of lakes, one of which was evidently our beautiful Lake Contrary. While so engaged, the account of the expedition states that one of the men was bitten by a snake, but by a timely application of bark and gunpowder to the wound no serious results attended the accident.

Nothing was seen by these explorers worthy of note in the immediate vicinity of the mouth of Blacksnake Creek. A few miles further down the river were found the abandoned ruins of an Indian village, but no Indians were seen, excepting an occasional straggler between the mouth of the Kaw river and the Big Platte, and it is probable that at that date and up to the time of its settlement by the white people what is now Buchanan and adjoining counties was used by the Indians as a common hunting ground, the forests abounding in deer, bear, wild turkey and almost all kinds of small game.

Missouri was admitted as a state in 1821 with its present boundaries, except what is now known as the Platte Purchase, which included the counties of Andrew, Atchison, Holt, Nodaway, Buchanan and Platte, and which was then a part of the Iowa Territory, and occupied jointly by the Sac, Fox and Iowa Indians under treaty. In 1835 the settlers in Clay and adjoining counties began to express their desire for the acquisition by the United States government of this extremely valuable strip to be added to the state of Missouri, and in 1836, with the assistance of such

man as General Andrew S. Hughes, A. W. Doniphan and David R. Atchison, Senators Benton and Linn succeeded in having a bill passed in congress by which it became a part of the state of Missouri, and on September 17, 1836, Captain William Clarke, who had been superintendent of Indian affairs in Missouri, and once territorial governor, formed a treaty with the Indians by which they ceded this strip to the United States government, and in return received \$7,500 in money and 400 sections of land on the banks of the Big Platte, and the territory thus acquired and added to the state has since been known as "Platte Purchase."

The following December congress passed a law opening the country to settlement, and the next year settlers from adjoining counties and from the states east of the Mississippi came to establish homes in the newly acquired territory. They had listened eagerly to stories of a land unsurpassed in fertility of soil, salubrity of climate and in abundance of game. None were disappointed and few returned.

Soon after the explorations by Lewis and Clarke hunters and trappers, and later traders, began to make an occasional appearance on the waters of the Missouri above the mouth of the Kaw. In June, 1819, the first steamboat made its trip up the Missouri river past this point bound for the Yellowstone. It was called the "Western Engineer."

In 1826 Joseph Robidoux established a trading post at the mouth of Blacksnake Creek, first as the agent of the American Fur Company and later for himself. The trade thus established with the trappers and Indians grew to be profitable, and the hardy Frenchman and his family were not long alone. Others, mostly his own countrymen, joined him, and with the settlement of the country round about traffic grew at "Robidoux's," and in 1843 a new town was laid off and called St. Joseph in honor of its founder and in remembrance of the good saint for whom Robidoux had been christened. It extended from Messanie street on the south to a little above Robidoux street on the north, and from the river on the west, east to Sixth street, and comprised that portion of the city which is now shown on the plat as "Original Town." The streets were named for the members of the Robidoux family—Angelique (the founder's wife), Sylvanie, Felix, Francis, Jules, Antoine, Faraon, Edmond, etc.

In 1847 the population of the town was 967, and from this time on its growth was rapid. St. Joseph became the outfitting

point for Pike's Peak and the California gold fields, and when the Hannibal & St. Joseph railroad was completed in 1859 fresh impetus was given to the traffic then peculiar to the West. The town of Weston had at first held the river trade, and was looked upon as the future metropolis of the upper Missouri, but with the building of railroads and the decreasing importance of the hemp crop, of which Weston is said to have been the greatest market in the world, its decline was rapid.

The county seat had at first been established at Sparta, about six miles further south, and remained there until 1846, when it was changed, after a spirited campaign, to St. Joseph.

In 1849 the travel westward from St. Joseph had grown to great proportions. Between April 1st and June 15th of that year 1,508 wagons were ferried over the river here on their way across the great plains, and it was estimated that in 1850 more than 50,000 emigrants left for the far west after having outfitted at St. Joseph.

In 1851 St. Joseph received its first charter at the hands of the legislature. It was a very conservative instrument, providing that the mayor and council should have the power to levy a tax of not exceeding one-half of 1 per cent upon the assessed value of property within the city, and further providing that there could not be expended more than \$1,000 annually for the payment of salaries of city officers: that no money should be paid out of the city treasury unless in pursuance of appropriations, and that the city officers should have no power to contract or in any manner create a debt or liability exceeding the sum of \$1,000 over and above the amount in the city treasury and not otherwise appropriated. In 1855 the legislature was prevailed upon to enlarge the powers of the municipality, authorizing it to "subscribe for the capital stock of railroads, and for erecting wharves and protecting the banks of the Missouri," and in 1857 the charter was again amended authorizing the mayor and council "to subscribe for the capital stock of any railroad terminating at or near said city, or for the stock of any other improvement tending to promote the general interest and prosperity of the city." Thus were the mayor and council of St. Joseph given the power to fix an indebtedness upon future generations, no limit being placed upon the amount thereof, nor any restriction as to what it should be

for so long as in their opinion it "tended to promote the general interest and prosperity of the city."

Under the charter as thus amended the municipal officers, under the guise of promoting the general interest and prosperity of the city, issued bonds as follows: For river improvement, \$200,000; gas plant, \$25,000; St. Joseph & Denver railroad, \$500,000; bridge, \$500,000; Kansas City, St. Joseph & Council Bluffs railroad, \$210,000; Missouri Valley railroad, \$150,000; St. Joseph & Topeka railroad, \$50,000; macadam road from Elwood to Wathena, \$25,000; the rate of interest being not less than 8, and in some instances 10 per cent.

The result was that in a few years the city had reached its financial limit. City warrants were selling at a discount of from 10 to 20 per cent below par. In 1878 one and two dollar warrants, resembling government bills, bearing no interest, were issued to the extent of \$100,000 for home circulation, bearing upon their face the city's promise to pay. The people soon became heartily tired of the "city scrip," as it was popularly called. It would not circulate outside of the city, and its constant handling soon reduced it to a dilapidated condition. Its redemption did not take place, however, until 1885-6.

Times grew so hard with the city and its financial standing was so bad that in the latter 70's and early 80's talk of repudiation was heard on all hands, but better judgment prevailed, and after encountering many difficulties all of the old indebtedness was refunded.

However, St. Joseph was not the only Missouri city which suffered in those days from extravagant gifts to corporations, and in 1875 the adoption of a new constitution wisely made it impossible for such a thing to occur in the future. It was provided by this new instrument that no city or other municipality should thereafter become a subscriber to the capital stock of any railroad or other corporation or association, or make any appropriation, or donation, or loan its credit to or in aid of any such corporation or association; and it was further provided that no city or town should have the right under any circumstances to incur indebtedness in excess of 5 per cent of the city's assessed valuation. The city's indebtedness had, however, reached beyond the two million mark, and while it has at this date, 1905, been materially reduced the taxpayers are still laboring to rid themselves of this early burden. In 1882 the tax levy for municipal purposes was

\$2.60 on the \$100 valuation: in 1892 it had fallen to \$1.60, and for the year 1905 it is only \$1.30, while the bonded indebtedness is now but \$1,281,850, including the \$325,000 of electric light plant and sewer bonds issued in 1904: and the last named issue is about the only indebtedness for which the city can point to an equivalent.

In 1885 St. Joseph became a city of the second class, and while it is entitled, under the census of 1900, to become a city of the first class, it has never elected to come within that classification.

While the development of St. Joseph was to a material extent arrested by the Civil War, as well as by the reckless financial ventures above referred to, its growth has at all times been steady, and even rapid, and its prosperity for many years past has been fully assured. The population of St. Joseph has been practically doubled every ten years of its existence, the census reports being as follows:

1850.	Population	.....	3,460
1860.	"	.....	8,932
1870.	"	.....	19,565
1880.	"	.....	32,431
1890.	"	.....	52,324
1900.	"	.....	102,974

The census of 1900 showed that of the sixty-two cities in the United States having a population of 60,000 and over but two, New York and Los Angeles, showed a greater percentage of increase in population from 1890 to 1900.

JAMES M. WILSON.

CONSTITUTION
OF THE STATE OF MISSOURI.
1875.
PROVISIONS AFFECTING CITIES.

ARTICLE II.

BILL OF RIGHTS.

SECTION 18. Officers to attend personally to duties.

SEC. 18. **Officers to attend personally to duties.**—That no person elected or appointed to any office or employment of trust or profit under the laws of this state, or any ordinance of any municipality in this state, shall hold such office without personally devoting his time to the performance of the duties to the same belonging.

ARTICLE IV.

LEGISLATIVE DEPARTMENT.

SECTION 47. Municipalities, loaning credit of.

SEC. 47. **Municipalities, loaning credit of.**—The General Assembly shall have no power to authorize any county, city, town or township, or other political corporation or subdivision of the state now existing, or that may be hereafter established, to lend

its credit, or to grant public money or thing of value in aid of or to any individual, association or corporation whatsoever, or to become a stockholder in such corporation, association or company: Provided, that this shall not be so construed as to prohibit the General Assembly from providing by law for authorizing the creation, maintenance and management of a fund for the pensioning of crippled and disabled firemen, and for the relief of the widows and minor children of deceased firemen, by such cities, villages or incorporated towns as may have an organized fire department—said fund to be taken from the municipal revenue of such cities, villages or incorporated towns. (Proviso added by amendment adopted Nov. 8, 1892).

ARTICLE IX.

COUNTIES, CITIES AND TOWNS.

SECTION

2. All additions to be part of county seat.
6. Subscription to capital stock of corporations, etc., prohibited.

SECTION

7. Classification of cities and towns.
13. Fees of officers limited.
14. Additional officers.
18. No person to hold two offices.

SEC. 2. All additions to be part of county seat.—

* * * All additions to a town which is a county seat shall be included, considered and regarded as part of the county seat.

SEC. 6. Municipalities not to subscribe to capital stock of corporation.—No county, township, city or other municipality shall hereafter become a subscriber to the capital stock of any railroad or other corporation or association, or make appropriation or donation, or loan its credit to or in aid of any such corporation or association, or to or in aid of any college or institution of learning or other institution, whether created for or to be controlled by the state or others. All authority heretofore conferred for any of the purposes aforesaid by the General Assembly, or by the charter of any corporation, is hereby repealed: Provided, however, that nothing in this constitution contained shall affect the right of any such municipality to make such subscription where the same has been authorized under existing laws by a

vote of the people of such municipality prior to its adoption, or to prevent the issue of renewal bonds, or the use of such other means as are or may be prescribed by law for the liquidation or payment of such subscription, or of any existing indebtedness.

SEC. 7. Classification of cities and towns.—The General Assembly shall provide, by general laws, for the organization and classification of cities and towns. The number of such classes shall not exceed four: and the power of each class shall be defined by general laws, so that all such municipal corporations of the same class shall possess the same powers and be subject to the same restrictions. The General Assembly shall also make provisions, by general law, whereby any city, town or village existing by virtue of any special or local law may elect to become subject to and be governed by the general laws relating to such corporations.

SEC. 13. Fees of officers limited.—The fees of no executive or ministerial officer of any county or municipality, exclusive of the salaries actually paid to his necessary deputies, shall exceed the sum of ten thousand dollars for any one year. Every such officer shall make return, quarterly, to the county court of all fees by him received, and of the salaries by him actually paid to his deputies or assistants, stating the same in detail, and verifying the same by his affidavit: and for any statement or omission in such return, contrary to truth, such officer shall be liable to the penalties of wilful and corrupt perjury.

SEC. 14. Additional officers.—Except as otherwise directed by this constitution the General Assembly shall provide for the election or appointment of such other county, township and municipal officers as public convenience may require, and their terms of office and duties shall be prescribed by law; but no term of office shall exceed four years.

SEC. 18. No person to hold two offices.—And no person shall, at the same time, fill two municipal offices, either in the same or different municipalities: but this section shall not apply to notaries public, justices of the peace or officers of the militia.

ARTICLE X.

REVENUE AND TAXATION.

SECTION

1. The taxing power.
2. The power to tax corporations.
3. Taxes may be levied.
4. Property, how taxed.
5. Railroad corporations, how taxed.
6. Property exempt from taxation.
7. Other exemptions void.

SECTION

9. Cities liable for state taxes.
10. Taxes, how assessed.
11. Rate and valuation.
12. Not to become indebted in excess of revenue.
13. Private property.
17. The making of profit.
20. Moneys not to be misapplied.

SECTION 1. **The taxing power.**—The taxing power may be exercised by the General Assembly for state purposes, and by counties and other municipal corporations, under authority granted to them by the General Assembly, for county and other corporate purposes.

SEC. 2. **Power to tax corporations.**—The power to tax corporations and corporate property shall not be surrendered or suspended by act of the General Assembly.

SEC. 3. **Taxes may be levied.**—Taxes may be levied and collected for public purposes only. They shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax, and all taxes shall be levied and collected by general laws.

SEC. 4. **Property, how taxed.**—All property subject to taxation shall be taxed in proportion to its value.

SEC. 5. **Railroad corporations, how taxed.**—All railroad corporations in this state, or doing business therein, shall be subject to taxation for state, county, school, municipal and other purposes, on the real and personal property owned or used by them, and on their gross earnings, their net earnings, their franchises and their capital stock.

SEC. 6. **Property exempt from taxation.**—The property, real

and personal, of the state, counties and other municipal corporations, and cemeteries, shall be exempt from taxation. Lots in incorporated cities or towns, or within one mile of the limits of any such city or town, to the extent of one acre, and lots one mile or more distant from such cities or towns, to the extent of five acres, with the buildings thereon, may be exempted from taxation, when the same are used exclusively for religious worship, for schools, or for purposes purely charitable: also such property, real or personal, as may be used exclusively for agricultural or horticultural societies: provided, that such exemptions shall be only by general law.

SEC. 7. Other exemptions void.—All laws exempting property from taxation other than the property above enumerated shall be void.

SEC. 9. Cities liable for state taxes.—No county, city, town or other municipal corporation, nor the inhabitants thereof, nor the property therein, shall be released or discharged from their or its proportionate share of taxes to be levied for state purposes, nor shall commutation for such taxes be authorized in any form whatsoever.

SEC. 10. Taxes, how assessed.—The General Assembly shall not impose taxes upon counties, cities, towns or other municipal corporations or upon the inhabitants or property thereof, for county, city, town or other municipal purposes, but may, by general laws, vest in the corporate authorities thereof the power to assess and collect taxes for such purposes.

SEC. 11. Rate and valuation.—Taxes for county, city, town and school purposes may be levied on all subjects and objects of taxation: but the valuation of property therefor shall not exceed the valuation of the same property in such town, city or school district for state and county purposes. * * * For city and town purposes the annual rate on property in cities and towns having thirty thousand inhabitants or more shall not, in the aggregate, exceed one hundred cents on the hundred dollars valuation. * * * For school purposes in districts the annual rate on property shall not exceed forty cents on the hundred dollars valuation: Provided, the aforesaid annual rates for school purposes may be

increased in districts formed of cities and towns to an amount not to exceed one dollar on the hundred dollars valuation, and in other districts to an amount not to exceed sixty-five cents on the hundred dollars valuation, on the condition that a majority of the voters who are taxpayers voting at an election held to decide the question vote for said increase. For the purpose of erecting public buildings in counties, cities or school districts the rates of taxation herein limited may be increased when the rate of such increase and the purpose for which it is intended shall have been submitted to a vote of the people, and two-thirds of the qualified voters of such county, city or school district voting at such election shall vote therefor. The rate herein allowed to each county shall be ascertained by the amount of taxable property therein, according to the last assessment for state and county purposes, and the rate allowed to each city or town by the number of inhabitants, according to the last census taken under the authority of the state, or of the United States; said restrictions as to rates shall apply to taxes of every kind and description, whether general or special, except taxes to pay valid indebtedness now existing, or bonds which may be issued in renewal of such indebtedness.

SEC. 12. Not to become indebted in excess of revenue.—No county, city, town, township, school district or other political corporation or subdivision of the state shall be allowed to become indebted in any manner or for any purpose to an amount exceeding in any year the income and revenue provided for such year without the assent of two-thirds of the voters thereof voting at an election to be held for that purpose: nor in cases requiring such assent shall any indebtedness be allowed to be incurred to an amount including existing indebtedness, in the aggregate, exceeding five per centum on the value of the taxable property therein, to be ascertained by the assessment next before the last assessment for state and county purposes, previous to the incurring of such indebtedness; Provided, that with such assent any county may be allowed to become indebted to a larger amount for the erection of a court house or jail. And provided further, that any county, city, town, township, school district, or other political corporation or subdivision of the state, incurring any indebtedness, requiring the assent of the voters as aforesaid, shall, before or at the time of doing so, provide for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls

due, and also to constitute a sinking fund for payment of the principal thereof, within twenty years from the time of contracting the same.

Sec. 13. Private property. Private property shall not be taken or sold for the payment of the corporate debt of a municipal corporation.

Sec. 17. The making of profit.—The making of profit out of state, county, city, town or school district money, or using the same for any purpose not authorized by law, by any public officer, shall be deemed a felony, and shall be punished as provided by law.

Sec. 20. Moneys not to be misapplied.—The moneys arising from any loan, debt or liability, contracted by the state or any county, city, town or other municipal corporation, shall be applied to the purposes for which they were obtained, or to the payment of such debt or liability, and not otherwise.

ARTICLE XI.

EDUCATION.

SECTION 11. Funds not to be used for sectarian purposes.

Sec. 11. Funds not to be used for sectarian purposes.—Neither the general assembly, nor any county, city, town, township, school district or other municipal corporation, shall ever make an appropriation or pay from any public fund whatever, anything in aid of any religious creed, church or sectarian purpose, or to help support or sustain any private or public school, academy, seminary, college, university or other institution of learning controlled by any religious creed, church or sectarian denomination whatever; nor shall any grant or donation of personal property or real estate ever be made by the state or any county, city, town or other municipal corporation, for any religious creed, church or sectarian purpose whatever.

ARTICLE XIV.

MISCELLANEOUS PROVISIONS.

SECTION

5. Tenure of officers.
6. Oath of office.

SECTION

7. Removal from office.
8. The compensation or fees.

SEC. 5. **Tenure of office.**—In the absence of contrary provision, all officers now or hereafter elected or appointed, subject to the right of resignation, shall hold office during their official terms, and until their successors shall be duly elected or appointed and qualified.

SEC. 6. **Oath of office.**—All officers, both civil and military, under the authority of this state, shall, before entering on the duties of their respective offices, take and subscribe an oath, or affirmation, to support the constitution of the United States, and of this state, and to demean themselves faithfully in office.

SEC. 7. **Removal from office.**—The general assembly shall, in addition to other penalties, provide for the removal from office of county, city, town and township officers, on conviction of wilful, corrupt or fraudulent violation or neglect of official duty.

SEC. 8. **Compensation or fees.**—The compensation or fees of no state, county or municipal officer shall be increased during his term of office; nor shall the term of any office be extended for a longer period than that for which such officer was elected or appointed.

CHARTER.

ORGANIZATION AND CLASSIFICATION OF CITIES.

ARTICLE I.

SECTION

1. Second class.
2. City may elect to become a city of the class, etc.
3. Vested rights preserved.

SECTION

4. Second city not to be incorporated.
5. Census may be taken, when.

SECTION. 1. **Of the second class.**—All cities and towns in this state containing thirty and less than one hundred thousand inhabitants, shall be cities of the second class. [R. S. 1899, Sec. 5253]. (a)

SEC. 2. **City may elect to become a city of the class, etc.**—Any city or town in this state, existing by virtue of the present general law, or by any local or special law, may elect to become a city of the class to which its population would entitle it under the provisions of this article by passing an ordinance or proposition, and submitting the same to the legal voters of such city or town, at an election to be held for that purpose, not less than twenty nor more than thirty days after the passage of such ordinance or proposition; and if a majority of such voters, voting at such election, shall ratify such ordinance or proposition, the mayor or chief officer of such city or town shall issue his proclamation declaring the result of such election, and thereafter such city or town shall, by virtue of such vote, be incorporated under the provisions of the general law provided for the government of the class to which such city belongs, which class shall be determined by the last census taken, whether state or national. * *
* * [R. S. 1899, Sec. 5257].

(a) Murnane v. City of St. Louis, 123 Mo. 479. 154 Mo. 465.

SEC. 3. **Vested rights preserved.**—All rights and property of every kind and description, which were vested in any city under its former organization, shall be deemed and held to be vested in such city upon its becoming reorganized as provided in the preceding section: but no rights or liabilities, either in favor or against such city, existing at the time of so becoming reorganized, and no suit or prosecution of any kind shall be affected by such change, but the same shall stand and progress as if no change had been made. [R. S. 1899, Sec. 5258].

SEC. 4. **Second city not to be incorporated.**—No city, town or village shall be organized within this state under and by virtue of any law thereof, adjacent to or within two miles of the limits of any city of the first, second or third class, or a city having a population sufficient to become a city of the first, second or third class, unless such city, town or village be in a different county from such city. [R. S. 1899, Sec. 5261]. (b)

SEC. 5. **May cause census to be taken, when.**—Any city, town or village within this state, now incorporated under the provisions of this chapter, or under any special or local law, as a village, town or city either of the second, third or fourth classes, as classified in said chapter, and in which the citizens thereof desire incorporation as a village, town or city of a higher class, and believe that since the taking of the last census, state or national, there has been sufficient increase in population to entitle it to such desired incorporation, may, by authority of an ordinance, and at the expense of such village, town or city, cause to be taken a census of its population, and should such census, when so taken, show that the village, town or city taking the same has the requisite population to entitle it to the right to become incorporated as a village, town or city of a higher class, then such village, town or city may proceed to secure such incorporation as its population may then entitle it to, under and by authority of the provisions of this chapter: Provided, that cities or towns that have permitted their organization to become dormant or ineffective, through a failure to elect corporate officers, or levy a corporate tax for the two years immediately preceding, may, by a

(b) A city already organized is not prohibited by this section from extending its limits to within two miles of a city of one of these classes: Warren v. The Barber Paving Co., 115 Mo. 572.

petition of the majority of the tax payers of such city or town, to the county court, have an enumeration taken and be assigned to its proper class; and thereupon the county court shall appoint the proper officers for such city or town, who shall hold their office until the next annual election thereafter and until their successors are elected and qualified. [R. S. 1899, Sec. 5262].

ARTICLE II.

CORPORATE POWERS.—ENLARGEMENT OF CITY LIMITS.—

CREATION OF WARDS.

SECTION

1. Powers of city; effect of reorganization.
2. Courts take judicial notice of city and class.
3. Wards of city, how changed.
4. Same.
5. Annexed territory to be organized into new ward.

SECTION

6. Wards not to be changed, when.
7. To be of adjacent territory, and numbered.
8. Election of aldermen, when.
9. Aldermen to fill out term for which elected.

SECTION 1. **Powers of city; effect of reorganization.**—Any city of the second class in this state may become a body corporate under the provisions of this article, in the manner provided by law, under the name and style of the city of.....; and by that name shall have perpetual succession; may sue and be sued, plead and be impleaded, defend and be defended in all courts of law and equity, and in all actions whatsoever; may purchase, receive and hold property, real and personal, within such city, and beyond the limits of such city, to be used for the burial of the dead of such city; for the erection of water works to supply the city with water; for the establishment and erection of gas works to supply the city with light; for the establishment of a hospital or hospitals for the reception of persons infected with contagious or other diseases; for a poor house or poor houses, work house, house of correction, or for any other purposes; may sell, lease or otherwise dispose of any property for the benefit of the city; may receive bequests, gifts and donations, of all kinds of property within or without the city, in fee simple or in trust for charitable or other purposes, and do all acts necessary to carry out the purposes of such bequests, gifts and donations with power to manage, sell or lease or otherwise dispose of the same; and may have and use a common seal, and may break, change or alter the same at pleasure; and all courts of this state shall take judicial notice of such reorganization. The jurisdiction of any city which shall be reorganized under this article shall not in anywise be affected or changed in consequence of

such reorganization, but such limits, wards and boundaries shall remain after such change or organization the same as at the time of such reorganization under this article; and all laws or parts of laws or ordinances, not inconsistent with the provisions of this article, which were operative in such city prior to its reorganization, shall continue to be in force until repealed or otherwise changed by ordinance. [R. S. 1899, Sec. 5489].

SEC. 2. Courts take judicial notice of city and class.—When any city or town existing by virtue of the general law of the state, or by a local or special act, may elect to become a city of the second class, or any city of the second class shall be incorporated according to law, all courts of the state shall take judicial notice of the fact of the city being a city of the second class, and of all steps taken to make it such, and of the corporate limits thereof. [R. S. 1899, Sec. 5517].

SEC. 3. Wards of city, how changed.—Whenever the corporate limits of any city of the second class shall be altered or extended, and whenever the population of any such city, or of any ward or wards thereof, has been or may be so increased or diminished as to render, in the opinion of the common council, a division or redistricting of the corporation into wards, or a change in the boundary of any ward or wards necessary, the same may be done by ordinance at some regular meeting of the common council. [R. S. 1899 Sec. 5510].

SEC. 4. Same.—Upon any ordinance for such purpose being introduced into the common council, the latter shall, before final passage thereof, by resolution, require the city clerk to publish a copy of the ordinance in at least one daily newspaper published in the city, to be designated in the resolution, for at least three weeks within the four weeks next after the passage of such resolution. After such publication, proof thereof shall be made and filed with the city clerk, and if the common council shall be satisfied that such publication has been made, it shall by a vote so find, and the city clerk shall make a record of such finding in the book for record of the current proceedings of the common council, which record shall be conclusive evidence of the truth of the fact so found. If such ordinance be passed by the common council at the first or second regular meeting after

such publication and finding, and not later, and duly approved by the mayor, the same shall thereafter be in force until repealed or altered. Any such ordinance shall be subject to amendment before such publication thereof, but not later. [R. S. 1899, Sec. 5511].

SEC. 5. Annexed territory to be organized into new ward.—When territory is annexed to any city of the second class, pursuant to subdivision number XLIII of section 5508, the common council shall, by ordinance, organize the same into a new ward or wards, or attach the same to some existing ward or wards, long enough before the next ensuing general city election to enable electors in such annexed territory to register, and all other proper steps to be taken according to law, so that electors of such annexed territory may have full opportunity to register and vote at such election. Actual residents of any territory at the time of the annexation thereof to any city of the second class according to this article shall, if otherwise qualified and duly registered, be qualified electors or voters of the city, and be eligible to any office therein at the next general city election following such annexation. In case of redistricting or division of the city into wards, creation of any new ward or wards, or change of boundary in any ward or wards, every qualified elector or voter residing in any ward at any general city election next thereafter shall, if otherwise qualified and duly registered, be a qualified voter of the city, and be eligible to any office therein. [R. S. 1899, Sec. 5512].

SEC. 6. Wards not to be changed, when.—Territory shall not be annexed to any such city within four months next preceding any general city election, nor shall there be a redistricting or division of the city into wards or change of boundaries of any ward or wards, or creation of any new ward or wards, within two months next preceding any general election. [R. S. 1899, Sec. 5513].

SEC. 7. To be of adjacent territory and numbered.—All wards which may be hereafter established shall be composed of adjacent and compact territory, and the several wards at the time of redistricting shall contain as nearly an equal number of inhabitants as may be practicable. The wards shall be num-

bered consecutively from one up to the highest number thus established. [R. S. 1899, Sec. 5514].

SEC. 8. **Election of aldermen, when.**—Whenever any change in the number of any ward, or alteration in the boundaries of any ward shall be made, or new ward shall be established, there shall be no election of aldermen in such wards until the next regular election for corporation officers. [R. S. 1899, Sec. 5515].

SEC. 9. **Aldermen to fill out term for which elected.**—Nothing herein contained shall be construed to limit or abridge the term of office which any alderman may be elected to fill, but every alderman shall be deemed and taken to be, for the residue of the term for which he may have been elected, an alderman of that ward in which his actual residence and place of abode may be, at and after any division of the city into wards, or creation of any new wards, or change in the boundaries of any ward or wards. [R. S. 1899, Sec. 5516].

ARTICLE III.

COMMON COUNCIL.

SECTION

1. Common council, how composed and elected—tenure of office.
2. Salary of members.
3. Qualifications of president and councilmen.
4. Ordinances—style of—how passed.
5. Salaries of city officers, to be fixed by common council.
6. City clerk to attend council meetings and keep record.
7. Ordinances, how revised or amended.
8. Quorum.
9. Power to make rules, etc.

SECTION

10. Journal to be kept—vote, how taken — reconsideration — signature of president.
11. Officers and members not to hold any state or city office, or be employed by city during term.
12. Vacancies, how filled.
13. Bills to be presented to mayor—veto — reconsideration by council.
14. President of council to exercise duties of mayor and receive compensation of, when.
15. Attendance of witnesses.

SECTION 1. Common council, how composed and elected —tenure of office.—The legislative power of all cities of the second class shall be vested in a municipal assembly, to be known as the “common council of the city of.....,” which shall consist of as many members as there are wards in the city, one to be elected from each ward by the qualified voters of the city at large for a term of four years and until their respective successors are elected and qualified, and a president of the common council who shall also be elected by the qualified voters of the city at large for a term of four years and until his successor shall be elected and qualified, excepting as hereinafter provided. In all cities hereafter becoming cities of the second class, at the first election of councilmen if held on the first Tuesday in April of any even numbered year, there shall be elected a president of the common council for a term of four years as hereinbefore provided, and a member of the common council from each even numbered ward for a term of four years and until their respective successors shall be elected and qualified, and from each odd numbered ward a member for a term of two years and until their respective successors shall be elected and qualified, and thereafter all members shall be elected for a term of four years and until their respective successors shall be elected and qualified. If

such election shall not be held on the first Tuesday of an even numbered year, the president of the common council and all members shall hold their offices until the first Tuesday in April of the next succeeding even numbered year, and until their respective successors are elected and qualified: and at the election held on the first Tuesday in such even numbered year, the president of the common council and members of the council shall be elected as hereinbefore provided when such first election is held on the first Tuesday in April in an even numbered year. In all cities now organized and acting as cities of the second class, the members of the municipal assembly as now constituted shall act as one body and constitute the common council, until the city election to be held in the year 1904, at which election there shall be elected such number of councilmen as shall in addition to the number of those whose term of office does not expire at that date shall equal the whole number of wards in the city, who shall hold their office for two years, and until their respective successors shall be elected and qualified, such members to be so chosen that no two shall reside in the same ward: at the city election in 1906 as many members shall be elected as there are wards in the city; those elected from the even numbered wards for a term of four years, and until their respective successors are elected and qualified, and those elected from the odd numbered wards for a term of two years and until their respective successors are elected and qualified, and thereafter all members shall be elected for a term of four years and until their respective successors shall be elected and qualified. Until said annual election in 1904 the present presiding officer of the council as now constituted shall be president of the common council, hereby created without any extra compensation therefor. At said election to be held in such cities in the year 1904 and every four (4) years thereafter, there shall be elected by the qualified voters of the city at large, a president of the common council, who shall hold his office for the term of four years, and until his successor is elected and qualified. In each and all of the elections of councilmen provided for by this section the candidate residing in any ward who shall receive a greater number of votes throughout the city than any other candidate residing in such ward shall be elected: the intention being that the candidates residing in the same ward shall be treated as opposing candidates, and the one receiving the highest number of votes throughout the city shall

sit for that ward. The president so to be elected shall preside over all meetings of the common council, but shall have no vote except in cases of tie, in which case he shall cast the deciding vote. In case of his absence or sickness the common council may elect a president pro tem., who, for the time, shall exercise all the rights and powers and perform all the duties devolving upon the president. During the absence of the mayor from the city or disability on account of sickness to perform the duties of his office, such duties shall be performed by the president of the council. Such common council shall hold a meeting on the third (3rd) Monday in April in each year and thereafter on the first (1st) Monday of each and every month in the year, which meeting shall be known as the "regular monthly meeting," and the common council may, on motion, by a two-thirds (2-3) vote of all the members elect, adjourn to meet at a date and hour to be named in the motion, and at such adjourned meeting all unfinished business must first be transacted. The mayor may by proclamation convene the common council in special session, at which no business shall be transacted, except such as may have been especially named in the proclamation of the mayor. (Laws of 1903, page 69]. (a)

SEC. 2. Salary of members.—Each member of the common council and the president thereof shall be entitled to receive for his services the sum of four dollars (\$4.00) per day for each day's service as a member of such common council, but shall be allowed no extra pay for serving on any committee, agency or commission whatever, and in no case shall the aggregate sum paid to any member for his services exceed the sum of two hundred dollars (\$200.00) per annum. [Laws of 1903, page 70.]

SEC. 3. Qualifications of president and councilmen.—No person shall be eligible to serve as president or as a member of the common council until he shall have resided in the city for at least

(a) Common council is a miniature general assembly, and its valid ordinances within the city have the force of laws passed by the legislature: *State ex rel. v. Walbridge*, 119 Mo. 393; *State ex rel. v. Brown*, 57 App. 199; *Forry v. Ridge*, 56 App. 615; *Taylor v. Carondelet*, 22 Mo. 105; *St. Louis v. Foster*, 52 Mo. 513.

Charter bears same relation to ordinances as constitution does to statutes: *Exparte Joffee*, 46 App. 360; *Ruggles v. Collier*, 43 Mo. 353; *Quinette v. St. Louis*, 76 Mo. 402; *Verdin v. St. Louis*, 131 Mo. 26, per *Sherwood, J.*

three (3) years prior to his election, and shall have paid therein city taxes for at least three (3) years before his election, nor unless he is at least 21 years of age, a citizen of the United States and a qualified voter of the city and not in arrears in the payment of any taxes or any other liability to such city, nor directly or indirectly interested as a partner or in any other way himself or with any other person in any contract with the city for any public work, or for furnishing any supplies for the city or its institutions, or as a stockholder in any corporation which may be so interested, and upon his becoming so interested his office shall at once be forfeited. Neither the president or any member of the common council shall take his seat until he shall take and subscribe an oath to support the constitution of the United States and of this state, and the provisions of law governing cities of the second class, and that he will faithfully discharge the duties of his office, and that he possesses all the qualifications required, and is not subject to any of the disqualifications herein contained. If the president or any member of the common council ceases to possess any of the qualifications herein required he shall be deemed thereby to have vacated his office. [Laws of 1903, page 70]. (b)

SEC. 4. Ordinances—style of—how passed.—The style of ordinances of cities of the second class shall be, “Be it ordained by the common council of the city of _____, as follows.” No ordinances shall be passed except by bill, and no bill shall be amended in its passage so as to change its original purpose, and no bill shall be considered for final passage unless the same has been referred to and reported upon by a committee. All bills making monthly general appropriations, tax levy and general apportionment ordinances shall be read on two different days before the bill shall be passed. All other bills shall be read once, referred to a committee, which shall report thereon, and no final vote shall be taken on the passage thereof until the expiration of at least twenty (20) days from the time that such bill was first introduced in the common council. No bills, except general appropriation bills, shall contain more than one subject, which shall be clearly set forth in its title. No bill shall become an ordinance unless on its final passage a majority of all the members vote in its

(b) Qualification that member shall have paid taxes: State ex rel. v. Macklin, 41 App. 335.

favor, and the vote shall be taken by yeas and nays, and the names of the members voting for and against the same shall be entered on the journal, and no bill not passed in conformity with the foregoing requirements shall be valid, but shall be absolutely void and of no legal effect whatever. [Laws of 1903, page 71]. (c)

SEC. 5. Salaries of city officers, to be fixed by common council.—The common council shall at least as early as their regular monthly meeting in March next before the election or appointment of any officers, fix the salary and fees of such officers for the term of office of such officers so to be elected or appointed, which salary or fee shall not be increased or diminished during the term of such officer. [Laws of 1903, page 71].

SEC. 6. City clerk to attend council meetings and keep record.—City clerk shall attend all meetings of the common council and keep a journal and a record of all proceedings thereof. [Laws of 1903, page 71].

SEC. 7. Ordinances how revised or amended.—No ordinance shall be revised or re-enacted by mere reference to the title thereof, but the same shall be set forth at full length and no ordinance shall be amended by providing that designated words thereof be stricken out, or that designated words be inserted, or that designated words be stricken out and others be inserted in lieu thereof, but the ordinance or section amended shall be set forth in full as amended. [Laws of 1903, page 71].

SEC. 8. Quorum.—A majority of the members elect shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time and may compel the attendance of the absent members in such manner and under such penalties as it may prescribe. [Laws of 1903, page 71].

SEC. 9. Power to make rules, etc.—The common council shall

(c) Whether ordaining clause directory or mandatory: City of St. Louis v. Foster, 52 Mo. 513; City of Tarkio v. Cook, 120 Mo. 8.

The circuit court has no authority to entertain a suit to restrain the municipal assembly of a city from the passage of an ordinance: Albright v. Fisher, 164 Mo. 56, overruling State ex rel. v. Meier, 143 Mo. 439.

determine the rules for its own proceedings, punish its members for disorderly behavior, and with the concurrence of two-thirds of all the members elected expel a member for malfeasance in office or disorderly conduct, and its sessions shall be held publicly in the city hall. [Laws of 1903, page 71].

SEC. 10. Journal to be kept—vote, how taken—reconsideration—signature of president.—The common council shall keep a journal of its proceedings and the yeas and nays of the members on any question, shall, at the desire of any member, be taken and entered therein, giving the names of the members so voting, and the yeas and nays shall be recorded on the final passage of all ordinances, and no vote upon any matter submitted to vote shall be by secret ballot, but all votes shall be by a viva voce vote, or upon call of the yeas and nays. When a bill on a vote fails to pass and a motion is made to reconsider the vote by which it was defeated a vote upon such motion to reconsider shall immediately be taken and the subject finally disposed of before the council proceeds to any other business. No bill shall become an ordinance until the same shall have been signed by the president of the council in open session, and before such officer shall affix his signature to any bill he shall suspend all other business, declare that such bill will now be read, and if no objections be made he will sign it to the end that it may be an ordinance. The bill shall then be read at length, and if no objections be made he shall, in the presence of the council, in open session, and before any other business is entertained, affix his signature thereto, which fact shall be noted on the journal, and such bill so attested shall at once be sent to the mayor for his action thereon. If any member when any bill is announced for signature shall object, that any omission, substitution or insertion has been made in said bill since it was voted upon by the council, such objection shall be passed upon by the council, and if sustained by the president shall withhold his signature therefrom. [Laws 1903, page 71].

SEC. 11. Officers and members not to hold any state or city office, or be employed by city during term.—No officer or member of the council shall, during the term for which he is elected, hold any office, under the state or city, or shall any member be employed by the city in any other capacity whatever. [Laws of 1903, page 72].

SEC. 12. **Vacancies, how filled.**—All vacancies shall be filled by election by the people, provided if any vacancy occurs within six months prior to the annual city election the same shall be filled by appointment by the mayor. If any member remove from the ward in which he resides when elected into any other ward, or if any member shall remove outside of the city he shall thereby vacate his office. [Laws of 1903, page 72]. (d)

SEC. 13. **Bills to be presented to mayor—veto—reconsideration by council, etc.**—Every bill which shall have been passed by the common council and properly certified shall, before it becomes a law, be presented to the mayor for his approval. If he approves the bill he shall sign it; if not, he shall return it within ten days to the council, stating his objections thereto. If the bill contains several items of appropriation he may approve any of them and object to any other of the items, and in such case he shall append to the ordinance at the time of signing it a statement of the items to which he objects, and the appropriation so objected to shall not take effect. He shall transmit to the council a copy of such statement, and the items objected to shall be separately considered. Every bill presented to the mayor, but returned without his approval and with his objections thereto shall stand as reconsidered, and the objections of the mayor shall be entered at large upon the journal, and the question shall then be put (shall the bill pass, the objections of the mayor thereto notwithstanding?) the vote on this question shall be taken by yeas and nays and the names shall be entered upon the journal, and if two-thirds of all the members elected to the common council voting the affirmative, the president shall certify that fact on the bill, attesting the same by his signature, and every bill so passed shall become an ordinance in the same manner and with like effect as if it had been approved by the mayor, and if the mayor does not deposit with the clerk of the council any bill which may have been presented to him for his action within ten days after such bill has been presented to him it shall become an ordinance with the same effect as if the mayor had approved and signed it. [Laws of 1903, page 72].

SEC. 14. **President of council to exercise duties of mayor and**

(d) What constitutes removal from ward or city: State ex rel. v. Dayton, 77 Mo. 678; State ex rel v. Banta, 75 App. 32.

receive compensation of, when.—The president of the common council shall exercise the duties and receive the compensation of the mayor whenever and so long as from any cause the mayor shall be absent from the city, or from any cause the office of the mayor shall become vacant, and during such time the mayor shall not be paid any salary. [Law of 1903, page 73].

SEC. 15. **Attendance of witnesses.**—The council shall have power to compel the attendance of witnesses, and the production of papers relating to any subject under consideration, and in which the interest of the city is involved; and shall have power to call upon the proper officers of the city or county in which such city is located, to execute such process. The president of the council and the chairman of every committee thereof shall have power to administer oaths. [R. S. 1899, Sec. 5509].

ARTICLE IV.

GENERAL POWERS OF MAYOR AND COMMON COUNCIL.

SECTION

1. Power and duties of the mayor and council.
2. Cities may provide for inspection of animals intended for food.
3. Cities shall have power to regulate milk dairies, etc.
4. Gravel and macadamized public roads, cities may construct, etc.
5. Municipal authorities of towns, etc., may work roads, etc.
6. May prohibit sale of cigarettes, and cigarette wrappers to minors.

SECTION

7. May work prisoners on street, etc.
8. No authority to tax professions.
9. City cannot impose license tax, etc., unless power be conferred by statute.
10. Produce cannot be taxed by city, when.
11. Appropriations, when made, etc.
12. Limit on appropriations.
13. Tax for sinking fund.

SECTION 1. Power and duties of the mayor and council.—

The mayor and common council shall have power within the city, by ordinance, not inconsistent with the constitution or any law of this state, or of this article: (a)

I. To prevent obstructions in rivers, etc.—To remove and prevent all obstructions in the rivers within such city, and to widen, straighten or deepen the same; to improve and preserve the navigation thereof, and to erect, repair and regulate wharves and docks, and regulate the rates of wharfage within the limits of the city.

II. May levy taxes—may borrow money, when.—To assess, levy and collect all taxes for general and special purposes on all real and personal property and licenses, and, when the revenues

(a) Municipal corporations can exercise only such powers as are (1) expressly granted, (2) necessarily or fairly implied, (3) essential to its declared objects and purposes: Nevada to use v. Eddy, 123 Mo. 546; St. Louis v. Bell Telephone Co., 96 Mo. 623; St. Louis v. Laughlin, 49 Mo. 562; Water Company v. City of Aurora, 129 Mo. 540.

Powers conferred by this section must be exercised "by ordinance:" Trenton v. Coyle, 107 Mo. 193; Eichenlaub v. City of St. Joseph, 113 Mo. 402; Saxton v. City of St. Joseph, 60 Mo. 153; Thompson v. City of Boonville, 61 Mo. 282; Hisey v. City of Charleston, 62 App. 381; Westport v. Mastin, 62 App. 647.

of the city at the beginning of any fiscal year, collected and in the treasury unappropriated, shall not be sufficient to defray the ordinary expenses of the city government until the revenues can be collected, as provided by law, for such year, to borrow, within the first thirty days of such year, any sum or sums not exceeding in the aggregate twenty-five per centum of the revenue provided for the current fiscal year for a period not exceeding ninety days at a rate of interest not exceeding eight per centum per annum, for which loan or loans the obligations of the city shall be given in such manner as shall be prescribed by ordinance; and said loan or loans shall be repaid out of the first revenues collected upon the tax levy for such fiscal year, and until so repaid, and a written certificate of that fact shall have been filed by the comptroller with the city clerk no city warrant or warrants, except for the disbursement of the money so borrowed, and except for the payment of said loan or loans and interest on the bonded debt of the city shall be issued for any purpose whatever; and if any warrant or warrants are issued in violation hereof they shall be void, and any warrant drawn in violation hereof shall render the official who shall have drawn or signed the same, and the treasurer who shall have paid the same, each liable, personally and upon his official bond, for the full amount of such warrants; the money so borrowed shall be deposited in the treasury and be appropriated and disbursed for the ordinary and necessary expenses of the city government, and for no other purpose whatsoever: Provided, that in estimating the income and revenue of the city for the purpose of limiting such loan, the same shall be ascertained from the city assessment for the previous fiscal year: Provided, further, bonds may be issued as provided in the constitution in the renewal of outstanding bonds when for want of funds the city is unable to pay such outstanding bonds.

III. Limitation of taxation.—To levy and collect a general tax of not exceeding one per centum for each fiscal year upon all property in the city liable to taxation for state purposes, and not by general law exempt from municipal taxation. The fiscal year shall commence on the third Monday in April of each year.

IV. Poll tax.—To levy and collect a poll tax, not exceeding one dollar and fifty cents for every year, and upon all male persons, residents of the city, over the age of twenty-one years and

under sixty, which tax shall be appropriated to the improvement of the streets within the limits of the city, and to no other purpose. All residents of the city shall be exempt from working on public roads or highways beyond the city limits, nor shall they be compelled to pay any tax for keeping the same in repair. (b)

V. Tax for payment of bonds.—The mayor and common council shall, also, each fiscal year, by ordinance, levy and cause to be collected a tax upon real and personal property, taxable by law for state purposes, within said city, and not by general law exempt from municipal taxation, sufficient for the payment of the amount which may be certified to them by the comptroller, to be raised by taxation for the payment of bonds and coupons maturing during the fiscal year.

VI. To appropriate money, etc.—To appropriate money and to provide for the payment of the debts and expenses of the city.

VII. Power as to franchises, etc.—To regulate and control the use of all rights, franchises and privileges granted by it, and is prohibited from releasing or surrendering such power.

VIII. To establish streets, etc.—To establish, open, vacate, alter, widen, extend, pave or otherwise improve, and sprinkle all streets, avenues, sidewalks, alleys, wharves and public grounds and squares, and provide for the payment of the costs and expenses thereof in the manner in this article prescribed; and also to provide for grading, lighting, cleaning and repairing the same, and to condemn private property for public uses; as provided for in this article; to establish and maintain water works for fully supplying the city with wholesome water, and to distribute the same for public and private uses in such manner and upon such such terms as shall be provided by ordinance; to establish and maintain a sanitary system and a fire department.

IX. To erect city hall, workhouses, etc.—To erect, purchase or rent a city hall, workhouses, houses of correction, poor houses,

(b) A requirement for the levy of a poll tax on every male resident of legal age but exempting persons voting at a general election discriminates between subjects of legislation in the same class, and is therefore in violation of article X, section 3, of the constitution: *Kansas City v. Whipple*, 136 Mo. 475.

insane asylums, engine houses, and all other necessary municipal buildings: sell, lease, abolish or otherwise dispose of the same, and to inclose, improve, regulate or sell all parks and other public grounds belonging to the city.

X. Ordinances to secure health, etc.—The mayor and common council shall have power to make regulations, by ordinance, to secure the general health of the inhabitants of the city by any measure to regulate, suppress or abate, within the limits of the city, slaughter houses, slaughtering animals, soap factories, stock yards, pig pens, cow stables and dairies, coal oil and vitriol factories, and to remove the same; and to regulate or prevent the carrying on of any business which may be dangerous or detrimental to the public health, or the manufacture or vending of articles obnoxious to the health of the inhabitants; to define what shall be deemed nuisances, to prevent, abate and remove nuisances on public or private property in a summary manner at the cost of the occupant or owner of the premises where the nuisance or cause thereof may be: Provided, that the same was caused by the occupant or owner of the premises or his or their agent, and all cost and expenses incurred by the city in removing or abating any nuisance on any private property within the city limits shall be assessed against the occupant or owner, if caused by them or either of them or their agent, and the same shall be assessed as a special tax bill against such private property, which shall be a special lien against such property in same manner and with same effect that special tax bills are for paving, etc.; provided, however, that same is caused by the owner of the property or his consent is given thereto, and may punish any person or persons who create, maintain or refuse to abate a nuisance by fine and imprisonment: and to create a board of health, to consist of three members, who shall hold office for one year, and perform such duties and have such powers as may be prescribed by ordinance; such board may be composed of members of common council, same as committees of council: to make regulations to prevent the introduction of contagious diseases into the city; to make quarantine laws for that purpose, and to enforce them within the city and within two miles thereof: to prevent, abate and remove nuisances within one mile of the city limits. (c)

(c) The police power of the state which it possesses for the protection of the lives, limbs, health, comfort and quiet of all persons, and the

XI. To provide water, etc.—To provide the city with water; to make, regulate and establish public wells, pumps and cisterns, hydrants and reservoirs, in or under the streets within the city, or beyond the limits thereof, for the extinguishment of fires and the convenience of the inhabitants, and to prevent unnecessary waste of water.

XII. Exclusive control of streets, etc.—To have exclusive control and power over the streets, sidewalks, alleys, landings, public grounds and highways of the city: to open, alter, widen, extend, establish, grade, pave or otherwise improve, clean and keep in repair the same; to prevent and remove all encroachments thereon or obstructions thereof: to put drains and sewers in the same, and to regulate the building of vaults under sidewalks. (d)

XIII. To erect bridges, etc.—To establish, erect and keep in repair bridges, culverts and sewers, and to regulate the use of the same: to establish, alter and change the channel of water courses, and to wall them up and cover them over.

protection of all property, within the state, may be delegated to a municipal corporation, and need not be given in express terms: *Jackson v. Kansas City, Fort Scott & Memphis R. Co.*, 157 Mo. 621.

(d) A municipality, having power over its streets must exercise it for the general public and cannot grant a railway, etc., such use of a street as will destroy its public usefulness: *Burnes v. City of St. Joseph*, 91 App. 489; *Julia Bldg. Ass'n. v. Bell Tel Co.*, 88 Mo. 495; *Lockwood v. Wabash Ry. Co.*, 122 Mo. 86; *Sherlock v. K. C. Belt Ry. Co.*, 142 Mo. 172; *State ex rel. v. St. Louis*, 161 Mo. 371.

City required to keep the whole of its sidewalks in a reasonably safe condition for travel: *Goins v. Moberly*, 127 Mo. 116; *State ex rel. v. County Court*, 142 Mo. 583.

City not bound to improve streets and alleys before needed for public use nor to keep them safe before they are used by the public: *Hunter v. Weston*, 111 Mo. 176; *Kossmann v. St. Louis*, 153 Mo. 293; *Fockler v. Kansas City*, 94 App. 464.

Jurisdiction over streets must be exercised by ordinance: *Stewart v. City of Clinton*, 79 Mo. 603.

Cannot lawfully accumulate surface water in drains and discharge upon adjacent lands: *Rychlicki v. St. Louis*, 98 Mo. 497; *Paddock v. Somes*, 102 Mo. 238; *Carson v. City of Springfield*, 53 App. 294; *Cannon v. City of St. Joseph*, 67 App. 367.

Liability for neglect to keep sewer in repair: *Woods v. Kansas City*, 58 App. 272; *Fuchs v. St. Louis*, 167 Mo. 620.

Liability for snow and ice accumulated on sidewalk: *Waters v. Kansas City*, 94 App. 413; *Reedy v. St. Louis Brewing Ass'n.*, 161 Mo. 523; *Reno v. City of St. Joseph*, 169 Mo. 642.

XIV. May regulate lighting streets, etc.—To provide for the lighting of the streets, parks, public places and city buildings within and of the city, and for the erecting of all lamps, posts or other fixtures necessary therefor, and to regulate, by ordinance, the price, quality and lighting power of each lamp or light furnished to the city, or the inhabitants thereof, by any corporation, person or persons.

XV. Market houses, etc.—To provide for the erection of market houses and all needful buildings for the use of the city; to provide for the government and regulation of markets, market places and meat shops, and the amount of license to be paid therefor.

XVI. Hospitals, etc.—To establish, erect and maintain hospitals and make regulations for the government thereof.

XVII. To license, tax and regulate, etc.—To license, tax and regulate undertakers, auctioneers, merchants, grocers, retailers, second-hand dealers, junk-dealers, hotels, boarding houses, tenement houses, office buildings, public buildings, public halls, public grounds, concerts, photographers, artists, agents, porters, runners, drummers, public lecturers, public meetings and shows, real estate agents and brokers, financial agents and brokers, horse and cattle dealers, patent right dealers, inspectors and gaugers, stock yard proprietors, examiners of titles, conveyancers, abstracters, mercantile agents, insurance companies and insurance agents, bankers, banking or other corporations or institutions, telegraph companies or corporations, street railroad cars, livery and sale stables, hackney carriages, private carriages, barouches, buggies, wagons, omnibuses, carts, drays and other vehicles, and all other businesses, trades and avocations whatever; to fix the rates for carriage of persons, and of wagonage, drayage and cartage of

Necessary to show either that city had actual notice of defect or lapse of sufficient time after the defect happens for notice to be presumed: *Francke v. St. Louis*, 110 Mo. 516; *Maws v. City of Springfield*, 101 Mo. 613; *Atchison, T. & S. Ry. Co. v. Kavanaugh*, 163 Mo. 54; *Reno v. City of St. Joseph*, 169 Mo. 642.

Not liable for hidden defects in streets and sidewalks unless actual knowledge thereof is shown: *Buckley v. Kansas City*, 156 Mo. 16.

City liable for slippery condition of sidewalk caused by accumulation of mud thereon: *Milledge v. Kansas City*, 100 App. 490; *Strange v. City of St. Joseph*, 87 S. W. Rep. 2.

property, and to regulate the width of tires of all vehicles for heavy transportation; to license, regulate, tax or suppress ordinaries, hawkers, peddlers, pawnbrokers, brokers, money changers, intelligence offices, public masquerade balls, street exhibitions, dance houses, fortune tellers, pistol galleries, lottery ticket dealers, corn doctors, private and venereal hospitals, museums, and menageries, equestrian performances, horoscopic views, lungtesters, muscle developers, magnifying glasses, billiard tables or any other tables or instruments used for amusement: circuses, operatic, theatrical and other exhibitions, shows and amusements, saloons, tippling houses, dramshops and gift enterprises: and to suppress prize fights, coon fights, dog fights, chicken cock fights, gaming or gambling houses, and to suppress bawdy and disorderly houses, houses of ill-fame and assignation, to provide for and enforce the registration of births, marriages or deaths: to license, tax, regulate or suppress all occupations and trades not heretofore enumerated, of whatever name or character, not herein excluded. (e)

XVIII. To license hackmen, etc.—To license, tax and regulate hackmen, draymen, omnibuses and abstracters of titles, and to license and restrain runners for steamboats, cars, stages and public houses.

XIX. To regulate ferries.—To have exclusive power to license ferries and to regulate the same, and the landing thereof within the limits of the city.

XX. To authorize issue of licenses, etc.—To authorize the proper officers of the city to grant and issue licenses, and to direct the manner of issuing and regulating the same, and the fees and charges to be paid therefor. No license shall be granted for

(e) The words "to license" may imply the power to tax; but see: *St. Charles v. Elsner*, 155 Mo. 671.

A city cannot impose upon a principal indirectly, by requiring an agent to take out a license tax which it could not lawfully impose upon the principal directly: *Independence v. Cleveland*, 167 Mo. 384.

A municipal corporation cannot by definition of terms in an ordinance, enlarge its powers; and the meaning of the terms "wholesale dealer" and "manufacturer" will remain a question for the courts: *Kansas City v. Butt*, 88 App. 237; *Kansas City v. Ferd Heim Brewing Company*, 98 App. 590.

Rule of *Ejusdem generis* in construction of concluding clause: *St. Louis v. Herthel*, 88 Mo. 128; *St. Joseph v. Porter*, 29 App. 605; *St. Louis v. Bowler*, 94 Mo. 630; *St. Joseph v. Lung*, 93 App. 626.

more than one year, and not less than two dollars and fifty cents shall be charged for any license under this article, except that licenses for wagons, carriages, bicycles and other vehicles may be issued for not less than one dollar, and the fees for issuing the same shall not exceed one dollar; but no license for the sale of wines or other liquors, ardent, vinous or spirituous, at retail, shall be issued for less than seven hundred and fifty dollars per annum; the sum provided by law shall be for state, forty-eight per cent for county, and the remainder for municipal purposes.

XXI. To regulate dramshops.—To have exclusive power to restrain, regulate, license, tax or suppress dramshops. All criminal courts shall have original and concurrent jurisdiction for the trial of offenses arising out of any violation of the laws in relation to dramshops.

XXII. To regulate inspection of meats, etc.—To regulate the inspection and vending of flesh, meats, poultry and vegetables, of butter, lard and other provisions, and the place and manner of selling fish and inspecting the same.

XXIII. To cause weights and measures to be tested and sealed.—To require all traders or dealers in merchandise or property of any description which is sold by measure or weight, and all common carriers using weights and measures, to cause their weights or measures to be tested and sealed by the proper officer, and to be subject to his inspection. The standard of such weights and measures shall conform to those established by law. (f)

XXIV. To provide for measuring wood, etc.—To regulate and provide for inspecting and measuring of fire wood, lumber, shingles, timber, posts, staves, headings and all kinds of building materials, and for measuring all kinds of mechanical work, and to appoint one or more measurers and inspectors therefor, and to make provisions for the inspection of steam boilers, and all steam heating apparatus, and to license engineers using steam boilers in said city.

(f) An ordinance regulating weights, an exercise of police power: *City of Lamar v. Weidman*, 57 App. 507.

An ordinance may require coal dealers to furnish customers official certificate of weight, and may charge a reasonable fee for such certificate: *Coal Co. v. St. Louis*, 130 Mo. 323.

XXV. To provide for weighing hay, etc. To provide exclusively for the inspection and weighing of hay, lime, stonecoal, charcoal and all kinds of coal used for fuel or for heating purposes, and the places and the manner of weighing the same.

XXVI. To regulate inspection of beef, etc.—To regulate the inspection of beef, pork, flour, meal and other provisions, whiskey and other liquors to be sold in barrels, hogsheads, and other vessels or packages: to appoint weighers, gaugers and inspectors, and to prescribe their duties and regulate their fees: Provided, that nothing herein shall be so construed as to require the inspection of any articles enumerated herein which are to be shipped beyond the limits of this state, except at the request of the owner thereof or his agent.

XXVII. To regulate quality of bread, etc.—To regulate the weight and quality of bread to be sold or used in the city.

XXVIII. To suppress riot, etc.—To prevent and suppress any riot, rout, affray, noise, disturbance or disorderly assemblages in any public or private place within the city.

XXIX. To suppress horse racing, etc.—To prevent, prohibit and suppress horse racing, immoderate riding or driving within the streets, and to authorize persons immoderately riding or driving as aforesaid to be stopped by any person: to prohibit and punish the abuse of animals: to compel persons to fasten their animals attached to vehicles while standing in the streets.

XXX. To punish vagrants, etc.—To restrain and punish vagrants, mendicants, street beggars and prostitutes, and to define who shall be considered and treated as vagrants.

XXXI. To prohibit animals from running at large.—To prohibit the running at large of cattle, hogs and other animals, and to authorize the impounding and sale of the same for running at large contrary to ordinance.

XXXII. To prohibit dogs from running at large.—To tax, regulate, restrain and prohibit the running at large of dogs, and to authorize their destruction when at large contrary to ordinance, and to impose penalties on the owners or keepers thereof.

XXXIII. To prohibit annoyances on streets.—To prohibit the rolling of hoops, flying of kites, or any amusement or practice tending to annoy persons passing on the streets or sidewalks, or to frighten horses or teams: to restrain and prohibit the ringing of bells, blowing of horns or bugles, crying of goods, and all other noises, performances and practices tending to the collection of persons on the streets and sidewalks, by auctioneers and others, for the purpose of business, amusement or otherwise.

XXXIV. Taking enumeration.—To provide for taking an enumeration of the inhabitants of the city.

XXXV. To establish workhouses, etc.—To erect and establish a workhouse or house of correction, make all necessary regulations therefor, and appoint all necessary keepers or assistants: in such workhouse or house of correction may be confined all vagrants, stragglers, idlers and disorderly persons who may be committed thereto by the proper officer: and all persons sentenced by the police court in such city for any offense cognizable by said court, and any person who shall fail or neglect to pay any fine or penalty or cost imposed for any misdemeanor or breach of any ordinance of the city may be kept therein subject to labor on the streets or other places of confinement. (g)

XXXVI. To control laying railroad tracks, etc.—To direct and control the laying and construction of railroad tracks, bridges, turnouts and switches in the streets and alleys, and the location of depot grounds within the city: to require that said railroad tracks, bridges, turnouts and switches shall be so constructed and laid as to interfere as little as possible with ordinary travel and the use of the streets and alleys, and that sufficient space shall be left on either side of the said tracks for the safe and convenient passage of teams and persons: to require the railroad companies to keep in repair the streets or alleys through which their tracks may run, and to light the same: to construct and keep in repair suitable crossings at the intersection of the streets and alleys, ditches, sewers and culverts: to compel railroad companies to construct and maintain suitable viaducts at crossings of streets and alleys when deemed necessary for public convenience or safe-

(g) City not liable for negligent act of superintendent of work house, by which prisoner is injured: *Ulrich v. St. Louis*, 112 Mo. 138.

ty, and to erect and maintain suitable gates at railway crossings of streets and alleys: to direct the use and regulate the speed of locomotive engines within the limits of the city: to prohibit and restrain railroad companies from doing storage or warehouse business, or from collecting pay for storage. (h)

XXXVII. General powers.—In addition to the powers specially enumerated and conferred in the foregoing provisions of this section the common council shall have further power to pass, publish and amend and repeal all ordinances, all rules and police regulations, not in harmony with the constitution and laws of the United States and the constitution of this state, and necessary for the good government, peace and order of the city and trade and commerce thereof, or that may be necessary and proper for carrying into effect the provisions of this article, and the powers vested thereby in the corporation or any department or office thereof; to enforce the observance of all such rules, ordinances and police regulations, and to punish violations thereof by fines, penalties and imprisonment in the city prison or workhouse, or both, in the discretion of the court before whom conviction may be had; but no fine or penalty shall exceed five hundred dollars, nor imprisonment to exceed six months for any violation of any ordinance of such city: and such fine and penalty may be recovered, with

(h) City cannot confer on railroad company exclusive right to use of street: *Railway Co. v. Railway Co.*, 111 Mo. 666; *Grand Av. Ry. Co. v. People's Ry. Co.*, 132 Mo. 34; *Grand Av. Ry. Co. v. Citizens' Ry. Co.*, 148 Mo. 672; *Ruckert v. Grand Av. Ry. Co.*, 163 Mo. 278.

Laying a railroad track on the established grade of a street under legislative authority and operating a steam railway thereon does not subject the street to a public use different from that contemplated in the original grant: *Gaus v. Railroad*, 113 Mo. 308; *Lockwood v. Wabash Ry. Co.*, 122 Mo. 97; *Ruckert v. Grand Av. Ry. Co.*, 163 Mo. 277. But see *Knapp, Stout & Co. v. Transfer Ry. Co.*, 126 Mo. 38; *Sherlock v. K. C. Belt Ry. Co.*, 142 Mo. 182.

Regulating speed of trains: *Robertson v. Railroad*, 84 Mo. 119; *Bluedorn v. Mo. Pac. Ry. Co.*, 108 Mo. 439; *Ryan v. Dunlap*, 111 Mo. 610; *Gratiot v. Mo. Pac. Ry. Co.*, 116 Mo. 450.

The failure of a railroad company to keep a flagman at a street crossing to give danger signals, as required by ordinance, is negligence per se: *Murray v. Mo. Pac. Ry. Co.*, 101 Mo. 236; *Wendler v. People's House Furnishing Co.*, 165 Mo. 541.

Cannot grant use of street to construct railroad for private business: *Glaessner v. Anheuser-Busch Brewing Association et al.*, 100 Mo. 508; *State ex rel. v. City of St. Louis*, 161 Mo. 372.

Right conferred to lay tracks on street, is to lay them on grade; and company is liable to property owner for constructing embankments changing grade: *Cross v. Railroad*, 77 Mo. 318; *Sherlock v. K. C. Belt Ry. Co.*, 142 Mo. 183; *Stephenson v. Mo. Pac. Ry. Co.*, 68 App. 648.

costs, by suit in the name and for the use of said city before any court of competent jurisdiction, and punishment inflicted; and any person upon whom any fine or penalty is imposed shall stand committed until the payment of the same, with costs, and, on default thereof, may be imprisoned in the city prison or workhouse, or may be required to work on the streets or public works of the city for such time and in such manner as may be prescribed by ordinance: Provided, nothing in this article shall be construed as interfering with or changing the metropolitan police system as now established by law in any city of the second class; and such system shall be maintained until changed by law. (i)

XXXVIII. To regulate election of officers, etc.—To regulate the election of all elective officers, and provide for removing from office all persons holding office under the provisions of this article, where such election and removal is not otherwise provided for by this article.

XXXIX. To provide for appointments, etc.—To provide for the appointment of all officers, servants and agents of the corporation not otherwise provided for.

XL. Fees of jurors, witnesses, etc.—To regulate the fees of all jurors, witnesses and others for services rendered under this article or under any ordinance.

XLI. To cast vote of the city.—To cast the vote of the city

(i) An ordinance relating to construction of buildings is exercise of police power: *Eichenlaub v. St. Joseph*, 113 Mo. 395; *Harmon v. St. Louis*, 137 Mo. 494.

A city may pass ordinances punishing as crimes acts also made punishable by indictment under the laws of the state: *State ex rel. v. Walbridge*, 119 Mo. 383.

May prohibit cruelty to animals: *St. Louis v. Schoenbusch*, 95 Mo. 618.

May by ordinance direct the filling up of a well in the street without being liable in damages to persons constructing it: *Ferrenbach v. Turner*, 86 Mo. 416.

A city has no power to declare that to be a nuisance which is not so in fact: *St. Louis v. Heitzeberg Packing Co.*, 141 Mo. 375.

Proceedings for a violation of city ordinances are civil and not criminal in their nature: *City of Cassville v. Jimerson*, 75 App. 426; *Kansas City v. Dickey*, 76 App. 437; *City of Monette v. Beaty*, 79 App. 315.

The violation of a city ordinance is not a crime, since a crime is an act committed in violation of a public law: *State v. Gustin*, 152 Mo. 108.

May compel and regulate the placing of electric wires under ground: *State ex rel. v. Murphy*, 130 Mo. 10.

in all elections for directors or other officers of railroads or other corporations in which said city shall be a stock holder.

XLII. Regulate street railroads, etc.—To have the sole authority to grant the right to any person or persons, corporations or company, to make and construct street railroads in any street in said city, and to regulate and control the use thereof in the manner hereinafter provided.

XLIII. To extend city limits, etc.—To extend its limits, specifying the new line or lines to which the limits shall be extended, and the limits of the city, including the territory brought in. All courts shall take judicial notice of the passage and approval of every such ordinance and the terms thereof, and of the territorial limits of every city of the second class. [R. S. 1899, Sec. 5508]. (j)

SEC. 2. Cities may provide for inspection of animals intended for food.—All cities in this state are hereby empowered to provide by ordinance for the inspection, while living, of all animals intended as human food within such cities. [R. S. 1899, Sec. 6127].

SEC. 3. Power to regulate milk dairies and sale of milk.—All cities and towns in the state shall have power, by ordinance, to license and regulate milk dairies and the sale of milk, and provide for the inspection thereof. [R. S. 1899, Sec. 6165]. (k)

SEC. 4. Gravel and macadamized public roads, cities may construct, etc.—The mayor and city council of any city or incorporated town shall have the power to annually appropriate and pay out of the treasury of such city or incorporated town a sum of money not to exceed ten per cent of the annual general revenue

(j) The power of extending or diminishing the limits of municipalities is a legislative power: *Gibony v. Cape Girardeau*, 58 Mo. 141; *State ex rel. v. McReynolds et al.* 61 Mo. 203; *City of Kansas v. Cook*, 69 Mo. 127; *Copeland v. City of St. Joseph*, 126 Mo. 417. See generally on this subject *Burnes v. Edgerton*, 143 Mo. 563; *State ex inf. v. Fleming*, 158 Mo. 558; *Kansas City v. Stegmiller*, 151 Mo. 189; *Westport v. Kansas City*, 103 Mo. 141; *State ex rel. v. Ohio and Illinois Min. Land Co.*, 84 App. 32.

If extension is invalid all attempts at municipal government therein are void **ab initio**: *Douglas v. Kansas City*, 147 Mo. 428.

(k) Power to regulate dairies: *St. Louis v. Fischer*, 167 Mo. 654.

thereof for the purpose of constructing, building and repairing any gravel, macadamized or other graded public road and bridges thereon leading into and entering such city or incorporated town, and such appropriation shall be made by ordinance duly enacted, and the money so appropriated shall be applied under the supervision and direction of the engineers of such city or incorporated town, and of the county in which the same is situated, who shall make due report thereof, in writing, to such mayor and city council. [R. S. 1899, Sec. 6120].

Sec. 5. Municipal authorities of towns, etc., may work roads, etc.—It shall be lawful for the municipal authorities of cities, towns and villages in this state to work, grade or macadamize roads, streets and highways leading to and from such cities, towns or villages, in such manner as may be provided by ordinance by the proper authorities of any such city, town or village; but this privilege shall not extend to a greater distance than five miles from the corporate limits of such city, village or town, and shall not be construed so as to allow any obstruction to or to interfere with the free use of any such road, street or highway by the public, except so far as may be necessary while working, repairing or grading such road or highway. [R. S. 1899, Sec. 9471].

Sec. 6. Cities may prohibit sale of cigarettes and cigarette wrappers to minors.—Any city, town or village in this state existing by virtue of the present general law, or by any local or special law, may, by ordinance or act, prohibit the sale, within its corporate limits, of cigarettes or cigarette wrappers to minors—any charter provision to the contrary notwithstanding; and such city, town or village may provide punishment or fines for any person, persons or corporation violating any ordinance authorized by this section. [R. S. 1899, Sec. 6166].

Sec. 7. Authorizing the working of convicted prisoners.—The various cities, towns and villages in this state, whether organized under special charter or under the general laws of the state, are hereby authorized and empowered to, by ordinance, cause all persons who have been convicted and sentenced by the mayor, recorder, or other court having jurisdiction, for violation of ordi-

nance of such city, town or village, whether the punishment be fine or imprisonment, or by both, to be put to work and perform labor on the public streets, highways and alleys or other public works or buildings of such city, town or village, for such purposes as such city, town or village may deem necessary. And the marshal, constable, street commissioner, or other proper officer of such city, town or village shall have power and be authorized and required to have or cause all such prisoners as may be directed by the mayor, or other chief officer of such city, town or village, to work out the full number of days for which they may have been sentenced at breaking rock, or at working upon such public streets, highways or alleys, or other public works or buildings of such city, town or village as may have been designated. And if the punishment is by fine, and the fine be not paid, then for every dollar of such judgment the prisoner shall work one day. And it shall be deemed a part of the judgment and sentence of the court that such prisoner may work as herein provided. [R. S. 1899, Sec. 6167].

SEC. 8. No authority to tax professions.—Hereafter no person following for a livelihood the profession or calling of a minister of the gospel, teacher, professor in a college, priest, lawyer or doctor of medicine in this state shall be taxed or made liable to pay any municipal or other corporation tax or license fee of any description whatever for the privilege of following or carrying on such profession or calling, any law, ordinance or charter to the contrary notwithstanding. [R. S. 1899, Sec. 5260].

SEC. 9. Business not taxable, when.—No municipal corporation in this state shall have the power to impose a license tax upon any business avocation, pursuit or calling, unless such business avocation, pursuit or calling is specially named as taxable in the charter of such municipal corporation, or unless such power be conferred by statute. [R. S. 1899, Sec. 6256]. (1)

SEC. 10. Produce cannot be taxed, when.—No incorporated city, town or village in this state shall have power to levy or collect any tax, license or fees from any farmer, or producer or producers, for the sale of produce raised by him, her or them, when

(1) *Kansas City v. Lorber*, 64 App. 604; *Kansas City v. Grush*, 151 Mo. 128.

said farm his, her or their wagon, cart or vehicle, or from any person or persons in the employ of such farmer or producer in any such city, town or village. [R. S. 1899, Sec. 6146].

Sec. 11. Appropriations, when made, etc. Within the first month of each fiscal year the common council shall, as far as practicable, make all the necessary apportionments of the revenue to be raised for such year to the expenses of the several departments, and for all public works, under proper headings, and for such other objects as may be necessary to provide for. All ordinances that contemplate the payment of money shall, upon their second reading, be referred to the appropriate committee, who shall obtain the indorsement thereon of the comptroller, to the effect that sufficient unappropriated means stand to the credit of the fund or revenue account therein mentioned to meet the requirements of said ordinance, and that the same is in the treasury, or it shall not be lawful to pass the said ordinance. [R. S. 1899, Sec. 5556]. (m)

Sec. 12. Limit on appropriations. The common council shall not appropriate money for any purpose whatever in excess of the revenue of that fiscal year actually collected and in the treasury at the time of such appropriation and unappropriated. Neither the common council nor any officer in the city, except the comptroller in the single instance in this article provided, shall have authority to make any contract, or do any act binding such city, or imposing upon said city any liability to pay money until a definite amount of money shall first have been appropriated for the liquidation of all pecuniary liability of said city under said contract or in consequence of said act, and the amount of said appropriation shall be the maximum limit of the liability of the city under any such contract or in consequence of any such act—said contract or action to be, *ab initio*, null and void as to the city for any other or further liability. Any member of the common council who shall knowingly vote for any appropriation of money or the making of any contract in violation of this article, or any officer of the city who shall knowingly do any act to impose any liability to pay money contrary to the provisions of this section

(m) Apportionment not an appropriation and may be altered and revised: State ex rel. v. Kansas City, 58 App. 124.

upon the city, any pecuniary liability in excess of the authority in this article limited, shall be guilty of a misdemeanor, and, upon conviction, be punished by a fine of not less than one hundred nor more than one thousand dollars, or imprisonment in the county jail not less than one year, or by both such fine and imprisonment. If any financial officer of the city shall buy or sell, for the purpose of speculation, any indebtedness of the city, or deal therein during his term of office, he shall be guilty of a misdemeanor, and upon conviction be punished by a fine of not less than one hundred nor more than one thousand dollars, or imprisonment in the county jail not less than one month nor more than one year, or by both such fine and imprisonment. [R. S. 1899, Sec. 5557]. (n)

SEC. 13. **Tax for sinking fund.**—In any city of the second class having a bonded debt requiring an annual tax levy equal to or in excess of one-fourth of one per centum per annum, in order to pay off said debt by the time it shall fall due, the mayor and common council shall each year levy a special tax of one-fourth of one per centum upon all real and personal property taxable by law for state purposes within said city, and not by general law exempt from municipal taxation, for the purpose of creating a sinking fund for the redemption of the bonds of the city, which tax, when collected, shall be applied by the comptroller to the purchase of the bonds of the city upon the most advantageous terms that may be offered in response to a public advertisement, to be made in two daily papers of the city: and in the event that the bonds of the city are not offered at par or less, in response to such advertisement, in sufficient sum to take up the whole amount of the sinking fund on hand during any year the comptroller, with the consent of the finance committee, may accept subsequently such city bonds as may be offered to the amount of such fund on hand, and at such prices as may be agreed upon: or if such bonds cannot be bought at par or less the comptroller, with the consent of said committee, may invest the fund in the bonds of the county, the state or the United States at their lowest market price. [R. S. 1899, Sec. 5558].

(n) *Pryor v. Kansas City*, 153 Mo. 135.

ARTICLE V.

BOARD OF PUBLIC WORKS.

SECTION

1. Establishes a board of public works.
2. Board, by whom appointed—term of office—qualifications—salary—bond.
3. President of board.
4. Meetings of board.
5. Board shall appoint city engineer—tenure of office—duties—salary.
6. Powers and duties of board.
7. Board shall purchase all supplies for city.
8. Hearing of petitions for street improvements by board—action to be taken—proposals for work.

SECTION

9. Contracts—how awarded.
10. Special tax bills to issue.
11. Manner of paying for public improvements.
12. Engineer to make out tax bills.
13. Power of council limited.
14. Plats of proposed additions to be submitted to board.
15. Board to control all expenditures for street repairing, etc.—shall appoint head of street cleaning department—salary.
16. Board to submit annual report to council.
17. Mayor ex-officio member of board.

SECTION 1. Establishes a board of public works.—There is hereby established in every city in this state, now or hereafter organized and existing as a city of the second class, a board of public works, to consist of three members, who shall be selected for their business qualifications, and not because of their standing and influence as politicians, and who shall be appointed by the mayor, comptroller and auditor of such city, which said board shall be known and designated as the board of public works of the city of [Laws of 1903, page 60].

SEC. 2. Board, by whom appointed—term of office—qualifications—salary—bond.—The mayor, comptroller and auditor of such city shall constitute a board for the purpose of appointing members of the board of public works of their city, all of whom concurring may make such appointment. The first board of public works shall be appointed immediately upon the taking effect of this act and shall hold office until the beginning of the fiscal year 1903, and thereafter one member for one year, one member for two years and one member for three years, and thereafter the term of office shall be three years. No more than two members of said board of public works shall belong to the same political

party. No member of such board of public works shall hold any other municipal office or any state, county or federal office during his membership on said board, nor shall any such member be directly or indirectly interested in any contract that may be let by the board or that may come before it for consideration, nor in the sale or furnishing in any way of any materials whatever to the contractor who may enter into such contract. The members of said board shall possess all of the qualifications required by law to render a person eligible to election as mayor. The salary of said members of the board of public works shall be nine hundred dollars each per annum, payable monthly, as the salaries of other city officers are paid, and each member of said board, before entering upon his duties as such, shall take and subscribe to an oath to support the constitution of the state of Missouri, and to faithfully discharge the duties of his office, and shall enter into bond in the sum of five thousand dollars, with some security company or with two or more individuals as securities thereof, payable to the city, and conditioned for the faithful performance of all his duties as a member of said board, which bond shall operate for the benefit of every person who may be damaged by its breach, and who may bring suit thereon in the name of the city to his use. [Laws of 1903, page 61].

SEC. 3. President of board.—There shall be a president of said board, to be elected by and from the members thereof, who shall preside at all meetings of the board and perform such duties as appertain to such position. [Laws of 1903, page 61].

SEC. 4. Meetings of board.—Such board of public works shall be provided with an office by the city, and shall meet at such office at least once each day at 10 o'clock in the forenoon, except on Sundays and public holidays, for the transaction of business. Two members of said board shall constitute a quorum. In case of the absence, inability or refusal of the president to act at any meeting of such board the members present may elect a temporary president, who shall, for the time being, possess all the power of president of said board. Said board shall keep in its office a full and complete record of all its proceedings, and such records shall at all times be open to the inspection of the public. [Laws of 1903, page 61].

SEC. 5. Board shall appoint city engineer—tenure of office—duties—salary. - From and after the passage and approval of this act such board of public works shall appoint the city engineer in all cities of the second class, who shall hold his office under such appointment during the pleasure of the board, and said board shall also appoint or employ such assistants, inspectors and other employes as may be necessary, who shall also hold their positions during the pleasure of the board. Said city engineer shall, under the direction of said board, superintend the construction of all public works, make plans, specifications and estimates thereof, do all surveying and engineering ordered by the city, and perform such other duties as may be prescribed by said board or ordinance. Said board shall fix the compensation of said engineer, but such compensation shall not exceed two hundred dollars per month. Said board shall appoint a chief clerk, who shall perform such duties as may be prescribed by said board. The compensation of such chief clerk shall be such as may be fixed by said board, provided such compensation shall not exceed the sum of one hundred and twenty-five dollars (\$125.00) per month, and the compensation of the other employes herein authorized shall be fixed by said board from time to time, but the aggregate of all the salaries and compensation of all said employes shall not exceed the appropriation that may be made therefor by ordinance; and if there should be any such excess contracted for by the board of public works over the appropriation so made it shall be void and of no effect. But such fixing of salaries shall not operate to prevent the board of public works from discharging any employe under it at any time it sees fit. The board of public works shall also adopt general rules and regulations not inconsistent with the charter and ordinances of the city prescribing the general duties of those in its employ, but the adoption of such rules and regulations shall not prevent it from requiring of such employes the performance, from time to time, of such additional work and duties as it may see fit. The salaries and compensation of such officer and employes shall be paid by the city as other employes of such city are paid. [Laws of 1903, page 61].

SEC. 6. Powers and duties of board.—Said board shall supervise the grading and paving of all streets, avenues, alleys and public ground, the cleaning, sprinkling, repairing, flushing, wash-

ing and improving of all streets, avenues, alleys and public places, except public parks; the construction, altering and repairing of all bridges, culverts, inlets, manholes, sewers, drains and water courses within said city, and the flushing thereof when necessary; the laying of all gas, steam and water pipes and all conduits, together with all service connections and appurtenances thereto belonging; the issuing of permits for connecting with any gas, water, steam or sewer pipes or conduits; the laying and repairing of all sidewalks, cross walks, curbing and guttering; the construction of all vaults and area ways under or in any portion of said streets and sidewalks; the location and regulation of all telegraph, telephone, fire alarm, messenger, street railway, electric light and power poles, wires, conduits and appliances; the construction and repairing of all city buildings, engine houses, water-works, gas and light plants, and all other public buildings of said city, except public libraries: and hereafter no permit for entering upon, disturbing or occupying for any purpose whatever the streets, alleys or public grounds of any such city shall be issued except by the board of public works hereby created. [Laws of 1903, page 62.

SEC. 7. Board shall purchase all supplies for city.—Said board shall also have charge of and purchase all supplies and materials needed for the city in its several departments, under such rules and regulations as may be prescribed by said board, but not in excess of the amount that may be appropriated therefor by ordinance. [Laws of 1903, page 62].

SEC. 8. Hearing of petitions for street improvements by board—action to be taken—proposals for work.—From and after the passage and approval of this act all petitions for paving, grading or repairing, regrading or reconstructing any street, alley, avenue or public way of the character contemplated in section 6 hereof shall be addressed and presented to said board of public works, and said board shall speedily hear and determine all such applications or petitions. The board, of its own motion, if approved by all of its members, may, and upon presentation of a petition signed by the majority in front feet of the resident real estate owners, required by law, shall prepare an ordinance for the improvements therein contemplated, and submit such ordinance, together with a copy of the petition for such improvements, if

there be a petition, together with all objections thereto that may have been filed with the board, and accompanied with **such recommendations** as it may desire to make to the common council, and also transmit to the common council, with the proposed ordinance for any improvements, the full plans and estimates of the cost of the improvement contemplated, provided that before said board shall, on its own motion, or on the petition of others, submit an ordinance for the making of such improvements it shall, by an advertisement in the official paper of the city, published for five days, notify all persons interested of the time and place, when and where the said board will hear objections to such proposed ordinance, at which time and place the board shall attend and hear and pass upon all objections that may be presented. And if the board shall overrule such objections then the matter shall be continued for fifteen days, and within that time the owners of a majority of front feet abutting on the part of such highway or public place sought to be improved and owned by residents of said city, shall have the right to select, in writing, any material they may desire to be used in making said improvement, and such selections only shall be embraced in the ordinance which the board may recommend, and no ordinance specifying any material other than that so selected shall have any validity, provided that the material so selected shall be reasonably available. If no such election shall be made by the property owners, then the board may recommend and the city council pass an ordinance for doing the work with any desired material. If the common council shall pass such ordinance by a two-thirds majority of all its members-elect, if supported alone by the recommendation of the board of public works, or by a majority of the members-elect, if supported by a petition of the majority in front feet of the real estate owners, as required by law, such majorities, respectively, being necessary for the adoption of such ordinance, and if the same shall be approved by the mayor, it shall then be the duty of the board of public works, whether the improvement is to be paid for by the city or by the issuing of special tax bills, to advertise for proposals for doing the work according to the plans and specifications, which shall be kept on file in the office of said board, and be open at all times to public inspection. Advertisements for doing of such work shall state the character and extent of the improvement contemplated, and shall be published in the paper doing the city printing for not less than five days nor more than ten days. All

proposals for the doing of such work shall be sealed, directed to said board and accompanied by a certified check, payable to the treasurer of said city, in such sum as may be named by said board in the advertisement for bids, and conditioned that in case the contract for the improvement for which the bid is made shall be awarded to such person, and such bidder fails to enter into the contract for doing said work within the time fixed, then the sum named in said check shall be forfeited to said city. All proposals shall be opened at the time and place mentioned in the advertisement: Provided, the property owners upon any street owning all of the property abutting upon one or more blocks thereof may have the privilege at any time before an ordinance is placed before the common council therefor of causing said street for the length of one or more blocks to be curbed, guttered, paved, repaired, or macadamized, and the sidewalks along the same to be constructed by private contract: said work to be done according to specifications approved by said board and the construction thereof to be under the supervision of the same. [Laws of 1903, page 63]. (a)

SEC. 9. **Contracts, how awarded.**—All contracts relating to any of the improvements herein contemplated shall be made by said board, and shall be awarded to the lowest and best bidder, but such board shall have, at all times, the power to reject any and all bids. Originals of all contracts entered into by the board of public works shall be filed with the comptroller, one copy retained by the board and one delivered to the contractor. No contract shall be entered into until the contractor shall have entered into a bond, payable to such city, with one or more good and sufficient

(a) The ordinance specifying the materials of which and the manner in which public work is to be done must be reasonably specific, but if there be a substantial compliance with the provisions of the charter courts would not be authorized to invalidate the action of the city because the ordinance is loose and general in its terms: *Sheehan v. Gleeson*, 46 Mo. 100; *Stewart v. City of Clinton*, 79 Mo. 610; *Asphalt Paving Co. v. Ullman*, 137 Mo. 570.

An ordinance for letting public work may properly refer for details to specifications on file in the city engineer's office: *Asphalt Paving Co. v. Ullman*, 137 Mo. 571.

The board of public works is as much the agent of the property owner as of the city; and it must see to it that neither the owner nor the city is wronged by the estimates for public work, or by the letting and the contract: *Barber Asphalt Paving Co. v. Hezel*, 76 App. 135.

As to power of board over streets generally see *State ex rel. v. St. Louis*, 161 Mo. 371.

securities, to be approved by the comptroller, conditioned that such contractor shall faithfully perform the work called for and complete the same in all respects according to the plans and specifications therefor, and that such contractor shall pay for all labor and all material purchased and used in the making of said improvements. In letting the contracts the board shall reserve the right to decide all questions as to the proper performance of the work and the meaning of contracts, and in case of improper construction may suspend the work and relet the same, or order the entire reconstruction of such work, or may relet to another contractor, as may be deemed best by the board. In case of the suspension of any public work the board may, when the urgency of the case and the interests of the city require it, employ workmen to perform or complete any improvements ordered by ordinance, provided that the costs and expenses thereof shall in no case exceed the amount appropriated to do such work, and the same shall be deducted from the price to be paid the contractor. The common council shall not give its consent by ordinance, resolution or otherwise more than twice for any extension of the time for the completion of the work under any contract for street improvement, nor for a longer period than four months each time, and not then, unless the contractor, together with the securities on his bond, shall first file with the comptroller their written requests for such extension, and consenting for each extension asked for that the contract price for the whole work covered by the contract shall be reduced five per cent, and if such extension is granted it shall operate as a reduction of the contract price for the whole work in conformity with the consent so given. Every ordinance for public improvements of any kind to be let to the lowest and best bidder shall fix the time within which such work shall be completed after the contract therefor shall be awarded. Nor shall any extension for the completion of a contract for public improvements be granted after the expiration of the time named in the ordinance authorizing the work, except that where a first extension is made before the expiration of the time for completing the original contract a second extension may be granted before the first extension expires—all upon the terms and conditions in this section provided. [Laws of 1903, page 64].

SEC. 10. Special tax bills to issue.—The board of public works shall provide for the issue of all special tax bills against

property owners, chargeable with special tax bills for work performed, which said tax bills shall be authenticated and certified to by the city engineer. When surveys and estimates are required to be made by the city engineer they shall be made and turned over to the board of public works. The city assessor shall also make his return of the assessed valuation of property to pay for the grading of any street, avenue, alley or other highway to said board. [Laws of 1903, page 64].

SEC. 11. Manner of paying for public improvements.—The manner of paying for all public improvements shall be the same as is now provided by law for cities of the second class, provided that all special tax bills issued under the provisions of this law shall show on their face the total amount of the work done, the total cost thereof, and the amount charged against each tract or parcel of real property. [Laws of 1903, page 65].

SEC. 12. Engineer to make out tax bills.—All special tax bills for work contemplated by this act and the laws governing cities of the second class shall be made out by the said city engineer, and shall be signed by him, and by him registered in the office of said board of public works in full, and shall be by him certified and delivered to the party in whose favor they are issued, and his receipt taken in full of all claims against the city on account of such work. Except as otherwise provided in this act such special tax bills shall be, in all things, subject to the general laws governing cities of the second class. Each special tax bill, except where a less rate is provided in the ordinances ordering the work done, shall bear interest from thirty days after its date at the rate of six per cent per annum, and it shall be the duty of the owner thereof, if said bill be due upon its issue, to post for the last fifteen days before the expiration of said thirty days, or, if it be due in the future, to post for fifteen days before its maturity, in the office of the board of public works, in such form and manner as it may by general regulation prescribe, a notice of some place in said city and of some person or corporation engaged in business thereat, where and to whom said bill may be paid, and if the owner shall fail to post such notice or shall fail to have the bill at the place and in charge of the party named therein with authority to receive the money due thereon and to cancel the same as prescribed in such notice, the interest thereon shall stop and shall

not start again to run unless and until the owner thereof shall present the same for payment to the party liable therefor; but such owner shall not be required to keep such bill on deposit for payment at the place named in such notice for more than thirty days from the date when such notice is required hereby to be posted up, and any such failure on the part of the holder of said bill shall, in addition to stopping the running of interest thereon, prevent any other tax bill of the same series from falling due in advance of the time fixed therein for its ultimate payment. [Laws of 1903, page 65]. (b)

SEC. 13. Power of council limited.—The common council in cities of the second class shall have no power to pass any ordinance authorizing or providing for, nor to approve any contract for the grading, regrading, paving, repaving or reconstructing of any street, avenue, alley or public ground; the cleaning, sprinkling, repairing, flushing, washing, or improving of any street, avenue, alley or public place, except public parks; the construction, altering or repairing of any bridge, culvert, inlet, manhole, sewer, drain or water course; the laying of any gas, steam or water pipes, or any conduit, or any connection or appurtenance thereto; the laying or repairing of any sidewalk, crosswalk, curbing or guttering; the construction of any vault under or area way in any street or sidewalk; the location or regulation of any telegraph, telephone, fire alarm or messenger poles, or the wires, conduits or appliances used in connection therewith; the construction or repairing of any city building, engine house, water works, gas or light plant, or any other city building except libraries, unless the ordinance authorizing the same shall have been first recommended by said board of public works. Nor shall the board of public works have any power to recommend, or the common council to pass any ordinance for repairing, repaving or reconstructing any street, alley, sidewalk or other public place, or any part thereof which has been theretofore paved or macadamized at the expense of the property specially chargeable therewith, to be paid for in whole or in part by the issue of special tax bills, with any material other than such as was used in the former improvement

- (b) Where a city issues special tax bills in favor of a contractor and against property which, under the law cannot be charged with the cost of the work, no recovery can be had against the city for the amount of the bills in a suit brought at the instance of the contractor: *Thornton v. City of Clinton*, 148 Mo. 648.

thereof, except upon petition in writing therefor of resident owners owning a majority of the front feet fronting or abutting on such street, alley, sidewalk, avenue or other public place legally chargeable therewith within the limits proposed to be so improved. [Laws of 1903, page 65].

SEC. 14. Plats of proposed additions to be submitted to the board.—No plat of land as an addition to said city or for the subdivision of any lot, block or other sub-division of land of which plats have never been filed shall be filed for record unless such plat shall have been submitted to said board of public works, and the approval of such board is endorsed thereon before the same shall be presented for approval of the common council. [Laws of 1903, page 66].

SEC. 15. Board to control all expenditures for street repairing, etc.—shall appoint head of street cleaning department—salary.—All moneys appropriated by the common council for repairs and improvements or for street cleaning purposes shall be expended under the direction and subject to the approval of the board of public works, and such board shall appoint some suitable person, who shall have charge of the street cleaning department in such city, who shall receive such compensation as may be fixed by said board, not exceeding ninety (\$90.00) dollars per month, and who shall hold such position during the pleasure of said board, and such board shall employ such labor as may be necessary in the street cleaning department, provided the expense for this purpose in any one month shall not exceed the appropriation made therefor, provided that the common council may, by ordinance, authorize the board of public works to expend, by contract, the moneys appropriated for cleaning and flushing the streets of said city, or such parts thereof as it may desire cleaned and flushed. [Laws of 1903, page 66].

SEC. 16. Board to submit annual report to council.—The board of public works shall, on the third Monday of April in each year, submit to the common council, through the comptroller, a report and statement in detail, showing the work of the previous year, on what account and how paid for, and shall also render a statement showing the estimated cost of improvements and re-

pairs necessary to be undertaken during the current year and the sum required therefor. [Laws of 1903, page 66].

Sec. 17. **Mayor ex-officio member of board.**—The mayor shall be ex-officio a member of such board of public works and may be present at its deliberations, and present recommendations and engage in the discussion of all matters coming before such board, but shall not be entitled to a vote on matters coming before such board. [Laws of 1903, page 66].

ARTICLE VI.

CITY OFFICERS—ELECTIONS.

SECTION

1. Appointments, by whom made.
2. Appointive officers.
3. Elective officers.
4. Salaries to be fixed by ordinance.
5. Election, when to be held.
6. Elections to be held, how.
7. Voting to be by ballot.
8. The polls, opening and closing of.
9. Who may vote.

SECTION

10. Voting precincts, duty of council.
11. Officers, when installed.
12. Who eligible to office.
13. Residence of officers.
14. Oath of officers, and bond.
15. Certificate to be recorded.
16. Officers not to be interested in contracts.
17. Property qualifications for office prohibited.

SECTION 1. **By whom appointments shall be made.**—In the absence of any express provision in the laws governing cities of the second class as to the manner of appointing any officer, the mayor shall nominate, and with the consent of the common council appoint such officer. [R. S. 1899, Sec. 5750].

SEC. 2. **Appointive officers.**—In all such cities there shall be a city clerk, city assessor and city counselor, who shall be appointed by the mayor, by and with the advice and consent of the common council, and shall hold their offices for the term of two years, unless sooner removed, and who shall perform such duties as may be prescribed by this article or any ordinance of the city. [Laws of 1901, page 60]. (a)

SEC. 3. **Elective officers.**—There shall also be a judge of the police court, and city attorney, who shall be elected by the qualified voters of said city, to hold their offices for the term of two years; a city auditor and city treasurer, who shall hold their of-

(a) The salary of an officer is an incident to the office, and the salary is to be paid him whether or not he neglects the office: *Bates v. St. Louis*, 153 Mo. 18; *State ex rel. Walbridge*, 153 Mo. 194.

The repeal of a statute creating a city office abolishes the office, and necessarily removes its incumbent: *State ex rel. v. Ratcliffe*, 164 Mo. 453. As to holding over under statute like this see *State ex rel. v. Lund*, 167 Mo. 228.

A person in possession of a public office has no such vested interest or private property therein as to prevent a modification or repeal of the law which created the office: *State ex rel. v. Evans*, 166 Mo. 347.

lices for a term of four years: also a city comptroller, who shall be elected by the qualified voters of said city at the city election to be held on the first Tuesday after the first Monday in April, 1901, to hold his office for a term of three years: thereafter the term of city comptroller shall be four years: said officers to hold their offices until their successors are duly elected and qualified, and in addition to the duties prescribed by this article perform such other duties as may be prescribed by ordinance. There shall also be such other officers, servants and agents of the corporation as may be provided by ordinance, who shall perform such duties as may be prescribed by ordinance. [Laws of 1901, page 61].

SEC. 4. Salaries to be fixed by ordinance.—The common council shall, at least as early as their regular monthly meeting in March next before each biennial election, by ordinance, fix the salary and fees of all the officers for the next two fiscal years, and shall not increase nor diminish the salary of any officer during his term of office. [R. S. 1899, Sec. 5497].

SEC. 5. General election to be held, when.—The general election of all elective officers of such city shall be held on the first Tuesday after the first Monday in April, every two years, except as otherwise provided in this article in relation to the election of aldermen. Special elections to fill vacancies shall be held under such regulations as may be provided for by ordinance. [R. S. 1899, Sec. 5701].

SEC. 6. Election to be held, how.—All elections shall be held under the general laws of this state. [R. S. 1899, Sec. 5702].

SEC. 7. Voting to be by ballot.—All elections shall be by ballot, and continue for one day only.—[R. S. 1899, Sec. 6992].

SEC. 8. Polls, when opened and closed.—The judges of each election hereafter to be held, general or municipal, shall open the polls at seven o'clock in the morning and continue them open until six o'clock in the evening, unless the sun shall set after six, when the polls shall be kept open until sunset, except in cities in the state of twenty-five thousand inhabitants or upward, when the polls shall be opened at six o'clock in the morning and be kept open until seven o'clock in the evening. [R. S. 1899, Sec. 6991].

SEC. 9. **Who may be registered.**—Every male citizen of the United States, and every person of foreign birth who may have declared his intention to become a citizen of the United States according to law not less than one year nor more than five years before he offers to vote, who is over the age of twenty-one years, who has resided in this state one year next preceding the election at which he offers to vote, and during the last sixty days of that time shall have resided in the city, and during the last ten days of that time in the ward at which he offers to vote, who has not been convicted of bribery, perjury or other infamous crime, nor directly interested in any bet or wager depending upon the result of the election, nor serving at the time in the regular army or navy of the United States shall be entitled to vote at such election for all offices, state or municipal, made elective by the people, or at any other election held in pursuance of the laws of this state: but he shall not vote elsewhere than in the election precinct where his name is registered, and whereof he is registered as a resident. [R. S. 1899, Sec. 7198].

SEC. 10. **Voting precincts; duty of common council.**—The common council of every city in which registration of voters may be had under and by virtue of any special charter, or under the provisions of this article, may, by ordinance, provide for two or more voting precincts in each ward of such city, and such common council may, by ordinance, make such provisions as to judges and clerks of elections and additional copies of registration lists and the use of such copies at such voting precincts as may be necessary in the premises. [R. S. 1899, Sec. 7215.]

SEC. 11. **Officers, when installed.**—All elective city officers provided for in this article shall enter upon the duties of their office on the second Monday after the day of election, and all appointed officers shall enter upon the duties of their office as soon as appointed and qualified. [R. S. 1899, Sec. 5526].

SEC. 12. **Who eligible.**—No person shall be deemed eligible to any office in the city who is not a qualified voter of said city, and who is not a citizen of the United States and of the state of Missouri, and has not lived in the city one year next preceding his election. [R. S. 1899, Sec. 5527].

SEC. 13. Residence of officers.—All officers of the corporation shall reside within the city limits during their continuance in office, and if any of them shall cease to reside in said limits his office shall be thereby vacated. [R. S. 1899, Sec. 5552]. (b)

SEC. 14. Oath.—Every officer of the corporation, before entering upon the duties of his office, shall take and subscribe an oath before some officer of the law authorized to administer oaths, as prescribed by the constitution of this state to civil officers, and that he will faithfully support this article and ordinances of the city, which said oath shall be endorsed upon or attached to his certificate of election or appointment, and he shall deliver the same to the city clerk; and every officer of the corporation, except the mayor, aldermen, police judge, comptroller and all other persons required by law to give bond shall, before entering upon the duties of their office, give bond to such city in such sum as may be prescribed by ordinance, with securities approved by the comptroller, conditioned for the faithful discharge of his duties, which said bond shall be filed with the city clerk. For any breach of the condition of said bond suit may be instituted thereon by the city, or by any person or persons claiming to have been injured by reason of any such breach, in the name of such city, for the use of such person or persons. If any officer fail to deliver to the city clerk a certificate and oath as herein required within twenty days after his election or appointment the office to which he may have been elected or appointed shall be declared vacated. [R. S. 1899, Sec. 5553].

SEC. 15. Certificate of election to be recorded.—It shall be the duty of the city clerk to record the certificate of election or appointment mentioned in the preceding section, with the oath thereto attached or thereon indorsed, within ten days after the same is delivered to him. [R. S. 1899, Sec. 5554].

SEC. 16. Officers interested in contracts guilty of misdemeanor.—If any city officer shall be directly or indirectly interested in any contract under the city or any work done by the city, or in furnishing supplies for the city or any of its institutions he

(b) What constitutes removal from ward or city: *State ex rel. v. Dayton*, 17 Mo. 678.

shall be deemed guilty of a misdemeanor; and any appointed officer becoming so interested shall be dismissed from office immediately by the mayor; and upon the mayor becoming satisfied that any elective officer is so interested he shall immediately suspend such officer, and report the facts to the common council, whereupon the common council, as soon as practicable, shall be convened to hear and determine the same: and if, by a two-thirds vote of the common council, he be found so interested, he shall be immediately dismissed from such office. No officer shall hold two appointments under the city government at the same time. [R. S. 1899, Sec. 5551].

SEC. 17. Property qualification prohibited.—It shall not be lawful for the municipal authorities of any city or town in the state of Missouri in any case to require any person to be the owner of real estate in order to make such person eligible to hold any office, or to be a member of any city or town council or municipal assembly, or judge or clerk of election in such city or town, and any provision in the charter of any municipality of this state which requires as a qualification for any office, either elective or appointive, or judge or clerk of election, that the person so elected or appointed shall be the owner of real estate is hereby declared inoperative and void. [R. S. 1899, Sec. 5259].

ARTICLE VII.

MAYOR.

SECTION

1. Mayor, election of.
2. Qualifications of.
3. Tie vote, how determined.
4. Contested election.
5. Vacancy.
6. Removal from office.

SECTION

7. Duties of mayor—may appoint officers, how, etc.
8. May call special meetings.
9. May require officers to exhibit accounts.

SECTION 1. **Mayor, election of.**—The chief executive officer of such city shall be the mayor, who shall be elected by the qualified voters thereof, and who shall hold his office for two years, and until his successor is duly elected and qualified. [R. S. 1899, Sec. 5528].

§53. 2. **Qualifications of.**—No person shall be a mayor who has not resided in the city one year, and who does not, at the time of his election, possess the qualifications of an alderman, as hereinbefore defined: nor shall any person continue in the office of mayor who shall cease to possess any of said qualifications. [R. S. 1899, Sec. 5529].

SEC. 3. **Tie vote; how determined.**—When two or more persons shall have an equal number of votes, and more than any other person for the office of mayor, the common council shall decide the election. [R. S. 1899, Sec. 5530].

SEC. 4. **Contested election.**—Whenever an election for mayor shall be contested the common council shall determine the same. [R. S. 1899, Sec. 5531]. (a)

SEC. 5. **Vacancies.**—Whenever any vacancy shall happen in the office of mayor it shall be filled by election, in such manner as shall be provided by ordinance. [R. S. 1899, Sec. 5532].

(a) Contested elections governed by Revised Statutes, 1899, section 7029 and following sections.

SEC. 6. **Removal from office.**—The mayor or other elective officer may be removed from office for any misdemeanor or other offense by a vote of two-thirds of the common council, and the ayes and nays shall be entered upon the journal. [R. S. 1899, Sec. 5533].

SEC. 7. **Duties of mayor—may appoint officers, how, etc.** The mayor may, upon good cause shown, and by the consent of the common council, remit fines, forfeitures and penalties accruing from or imposed on account of the violation of any city ordinance. He shall have the right to nominate all appointive officers and shall make such nominations within ten days after such right of appointment accrues, and unless a majority of the common council shall, within five days after such nomination shall be made, file with the clerk thereof, in writing, and which the clerk shall enter on the journal their objections to such appointee, with specifications thereof, then such appointment shall be final and valid. If such objections are so made then the mayor shall within five days after notice of such objections nominate another person. If the mayor shall fail to make such nominations within the time herein described then his power of appointment as to that office shall cease and the common council may appoint. [Laws of 1903, page 73].

SEC. 8. **May call special meetings.**—The mayor shall call special sessions of the common council by proclamation. [R. S. 1899, Sec. 5535].

SEC. 9. **May require officers to exhibit accounts.**—He shall have power, when he deems it necessary, to require any officer of the city to exhibit his accounts or other papers, and to make report in writing, touching any subject or matter he may require pertaining to his office. [R. S. 1899, Sec. 5536].

ARTICLE VIII.

DUTIES OF OFFICERS.

SECTION

1. Duty of clerk.
2. Of city engineer.
3. Of judge of police court.
4. Of city counselor.
5. Of city attorney.
6. Of city auditor.

SECTION

7. Of city treasurer — *ex-officio* collector.
8. Of city comptroller.
9. Same, deposit of city money.
10. Auditing committee.
11. Settlement of city officers.

SECTION 1. Duty of clerk.—It shall be the duty of the city clerk to attend all meetings of the common council and keep a true record of its proceedings: also to keep a record of all official acts of the mayor, and when necessary to attest them. He shall also keep and preserve in his office the corporate seal of the city, all records, public papers and documents of the city not belonging to any other officer. He shall be authorized to administer oaths and copies of all papers filed in his office, and transcripts from the records of the proceedings of the common council, duly certified by him under the corporate seal of the city, shall be taken as evidence in all courts of this state, and shall perform such other duties as may be prescribed by ordinance. [R. S. 1899, Sec. 5540].

SEC. 2. Of city engineer.—The city engineer shall superintend the construction of all public works ordered by the common council, shall make out plans, specifications and estimates thereof, and do the surveying and engineering ordered by the city, and perform such other duties as may be prescribed by ordinance. [R. S. 1899, Sec. 5541].

SEC. 3. Judge of the police court.—The judge of the police court shall have exclusive jurisdiction over all cases arising under any ordinance of the city, except suits brought for the collection of taxes due the city. Appeals in all cases tried before him as judge of the police court shall be taken to the court of record having criminal jurisdiction in the county where such city is located. [R. S. 1899, Sec. 5542].

SEC. 4. **City counselor.**—The counselor shall appear for the city and attend all cases in all courts of record in this state, wherein such city may be a party plaintiff or defendant, or a party in interest, and shall perform such other duties as may be prescribed by ordinance, and shall receive such compensation therefor as may be prescribed by ordinance. The city counselor may appoint an assistant city counselor, who shall hold his office subject to the pleasure of the city counselor and receive, during his continuance in office, a salary not to exceed fifteen hundred dollars (\$1,500.00) per year, payable in monthly installments, as the salary of other officers are paid. [Laws of 1903, page 73].

SEC. 5. **City attorney.**—The city attorney shall appear in the police court of such city and attend to all cases of a criminal or civil nature arising in said court in which the city may be a party, or in any way interested, and in any court of record, to any appeal cases from said police court, and shall perform such other duties as shall be prescribed by ordinance, and such as may be required of him by the city counselor, whose assistant he shall be, and for which service he shall receive such compensation as may be prescribed by ordinance. [R. S. 1899, Sec. 5544].

SEC. 6. **City auditor.**—It shall be the duty of the city auditor to prescribe the mode of keeping, dating and rendering all accounts, unless otherwise provided by ordinance, between the city and any person or body corporate; he shall draw warrants upon the treasurer for all appropriations made by the common council; he shall keep a true and just account with the several different revenue districts, the city treasurer, and the different funds of such city; he shall extend all tax rolls, and shall make reports, estimates and statements required of him by the common council in connection with the duties of his office. [R. S. 1899, Sec. 5545].

SEC. 7. **City treasurer—Collector.**—It shall be the duty of the city treasurer to receive and keep the money of the city, and pay out the same on warrants drawn by the auditor and countersigned by the comptroller, and not otherwise. He shall be ex officio city collector, and shall collect all taxes and licenses levied and charged by such city, except as otherwise provided by law for collection by others; he may appoint such deputies and clerks as may be allowed by ordinance: Provided, that he shall be responsible for all the acts of his deputies and clerks. All moneys be-

longing to the city and received by any officer or agent thereof, either from collection, fines or any other source, shall be deposited in the city treasury as often as once a week, unless some law otherwise direct. For all moneys received, except in payment of taxes or licenses, he shall give triplicate receipts in all cases, one to the party paying, one for the auditor and one for the comptroller, which shall set out the amounts paid and from what it proceeds, and to what account credited; and for taxes and licenses he shall give such receipts as may be provided by ordinance. [R. S. 1899, Sec. 5546].

SEC. 8. Of city comptroller.—It shall be the duty of the comptroller to exercise a general supervision over the collection and return into the treasury and disbursement of all revenue and other moneys of the city, and of the proceedings therefor over all property, assets and claims, and the custody, sale or other disposition thereof. He shall see that all proper legal proceedings are had to recover, keep and manage such property or other interests; that all proper rules and regulations are prescribed and observed in relation to all accounts, settlements and reports regarding the fiscal concerns of the city; that no appropriation or funds are overdrawn or misapplied, and that no liability is incurred, nor money or property of the city disbursed or disposed of contrary to the spirit of the law or ordinances. He is especially charged with the preservation of the credit and faith of the city in relation to its bonded debt. The comptroller shall, at the first meeting of the common council in each fiscal year, certify to the common council the amount of money to be raised by taxation for the payment of bonds and coupons maturing during that year, discriminating between the general bonds of the city and coupons thereon, and each series of funding bonds and coupons thereon. Whenever it is necessary to meet payment of any of these bonds or coupons at any other place than the office of the city treasurer of such city he shall, with the written approval of the mayor, make his requisition upon the auditor for a warrant on the treasurer for the purpose, and if necessary to preserve the public credit he may anticipate any part of the annual revenue levied for the purpose of paying interest, and may thereon obtain loans to meet the interest on bonds about to fall due. The comptroller shall make two reports each year on the financial condition of the city—the first report to embrace a period beginning with the fiscal year and

ending with the month of October; the second report to include the whole fiscal year, and shall obtain and transmit therewith to the common council the report of other fiscal officers, as provided by law or ordinance. He shall provide and keep in his office reliable and complete tables of the finances, property and assets of the city, all contracts, excepting contracts awarded by the board of public works, names of contractors and names of employes, in such manner as to show the department in which they are employed, their salaries, powers and duties, and how appointed. He may appoint a deputy, who shall be a practical bookkeeper. Also such clerks as he may require when so authorized by ordinance. He may administer oaths, and may require all claims, settlements, returns and reports to be verified by affidavits. He shall counter-sign all warrants on the treasurer. The comptroller shall, before entering upon the duties of his office, give bond to such city, conditioned for the faithful discharge of his duties in such sum as may be prescribed by ordinance, with two or more good and sufficient sureties, to be approved by the mayor, which shall be filed with the city clerk. No person shall be elected comptroller who does not at the time of his election possess the qualifications of the mayor, as hereinbefore defined: nor shall any person continue to hold office of comptroller who shall cease to possess any of said qualifications. [Laws of 1901, page 61].

SEC. 9. Same, deposit of city money.—The city comptroller shall, within five days from the third Monday in April, 1891, and every second year thereafter, advertise for five days in the daily English paper for the time doing the city printing of such city, that he will receive sealed bids, from within the city, for the deposit of all city moneys during the ensuing two years, and until a successor shall be duly selected. All bids received by him shall be securely sealed and safely kept until the first meeting thereafter of the common council, at which meeting the comptroller shall, in the presence of the council, open said bids, and with the approval of the common council award and let the deposits to the bidder agreeing to pay the highest rate of interest therefor—the common council having the right to reject any and all bids, in which case they may at any time thereafter direct, by resolution, the city comptroller to again advertise for bids in the same manner as before. Whenever the common council shall have approved any bid made in response to and in accordance with the

advertisement aforesaid, and before any deposits are placed by the treasurer, the city comptroller shall require a contract to be executed by the accepted bidder, to be approved by the city counselor, and signed by the comptroller in behalf of the city, which contract shall be accompanied by a bond from the bidder, to be approved by the common council, in double the highest estimated amount of deposits during any month of such time; and such money, together with such interest and profits as may accrue thereon, shall be at all times subject to the sight drafts of the city, under such rules and regulations as are or may be provided by the laws and ordinances of such cities for the government of its disbursing officers. [R. S. 1899, Sec. 5547].

SEC. 10. Auditing committee.—There shall be an auditing committee, composed of the city auditor and two members of the common council; and every claim against said city for money amounting to one hundred dollars or over shall be passed upon by said committee before an appropriation shall be made for the payment thereof. [R. S. 1899, Sec. 5549].

SEC. 11. Settlement of officers. The city auditor, city collector, city treasurer, city attorney and all other officers charged with the collection or custody of money shall, on the second Monday after the general election in April of each year, make a full and detailed statement and settlement of all their accounts, which shall show all moneys received, from what source, from whom and what for, and of all money paid and to whom and when, and for what purpose so paid, which statement shall be published in a newspaper at the time doing the city printing: the statement required to be made by the city auditor shall exhibit in full the resources and liabilities of the city, together with the amount of revenue collected from all sources during the preceding fiscal year, the amount expended on all accounts by the city during the same period, and such further particulars as shall be prescribed by ordinance; and for any refusal, neglect or failure to make such report, at the times and in the manner herein prescribed, such officer and his securities on his official bond shall forfeit and pay to such city a sum not less than one hundred dollars nor more than one thousand dollars; and it shall be the duty of the city counselor to institute and prosecute to a final judgment suit at law, in the name of such city, against such defendant officer or officers for recovering of the same. [R. S. 1899, Sec. 5550].

ARTICLE IX.

REVENUE—LEVY OF TAXES.

SECTION

1. No exemption.
2. Maps and plats.
3. Deputy assessors.
4. To advertise, when lists to be made.
5. Assessment, when to be made.
6. Lists to embrace what.
7. Assessor to be at office.
8. May administer oaths.
9. Assessment of corporation.
10. Same—corporation property.
11. Assessments, how returned.
12. Certificate to be verified.
13. Notice of board of appeals.
14. Who constitutes the board.
15. Proceedings of board.
16. Gross amount of valuation to be furnished, levy.
17. Auditor to extend taxes.
18. Tax books to show what.
19. Tax upon merchants.
20. Delinquent taxes to be carried forward.
21. Taxes not paid, penalty.
22. Rebate allowed, when.
23. Taxes to be received on parts of lots, when.
24. Receipts to be given on payment.
25. Collections by distress and sale.
26. Same, delinquent taxes.
27. Collector may call assistance.
28. When taxpayer removes.
29. Shares of stock may be sold.
30. Collector to furnish comptroller list of unpaid taxes.
31. Taxes, when delinquent.
32. City collector to sell real estate.
33. Notice, how given.
34. Same, notice, how given.
35. Sale of property.
36. The purchaser.
37. The whole lot may be sold.
38. City auditor shall attend all sales.
39. Sale may be adjourned.

SECTION

40. Property may be bought for city.
41. Auditor and collector failing to attend sale.
42. Sale, when made in November.
43. Certificate of purchase to be issued.
44. Duplicate receipts to be issued.
45. Property may be redeemed.
46. Same, how redeemed.
47. Redemption of property of minors.
48. Redemption after deed.
49. Redemption money to be paid over.
50. Redemption from city.
51. Unredeemed property to be advertised.
52. Certificate of publication.
53. Deed, when to be made.
54. Form of deed.
55. What proof necessary to defeat title.
56. Suit to be commenced, when.
57. Deed to be recorded, when.
58. Effect of recording tax deed.
59. Taxes paid may be recovered.
60. Title shall not fail, when.
61. Comptroller may abate tax.
62. Proceedings to be liberally construed.
63. Description, how made, abbreviations.
64. Penalty for failing of duty.
65. Sale, when discontinued.
66. Suits for taxes.
67. Statement, when sufficient.
68. Who to be defendants.
69. The judgment, form of.
70. What taxes may be included in one suit.
71. What courts have jurisdiction.
72. Practice to be as in civil cases.
73. Books to be received in evidence.
74. Attorney fee of ten per centum.
75. Certain terms explained.

SECTION 1. **Property not exempt.**—No person or property shall be exempted or released from any burden imposed by or ac-

ording to law. No general or special tax assessment, or interest or penalty therein, shall be remitted or abated, or the right to enforce payment thereon be released, except in correction of errors or mistakes after the levy of any tax: neither the amount thereof nor the valuation of any property for the levy shall be reduced, except only in the correction of clerical errors or mistakes. [R. S. 1899, Sec. 5524]. (a)

Sec. 2. Assessor to keep maps, plats, etc.—The city assessor shall have charge of and keep in his office all maps, plats, books, papers, records and other property that may be provided by the city to aid in the assessment of property or polls, and he and his securities shall be liable on his official bond for the preservation of the same and the delivery thereof to his successor in office. [R. S. 1899, Sec. 5573].

Sec. 3. Assessor may appoint deputies.—The assessor may, by an instrument in writing under his hand, appoint one or more competent deputies, who shall have and exercise, under supervision of the assessor, all the powers and perform any of the duties of the assessor, and may remove such deputies at his pleasure. The assessor and his securities shall be responsible on his official bond for all acts done or omitted by any of his deputies, in the same manner as for his own acts or omissions. [R. S. 1899, Sec. 5574].

Sec. 4. To advertise when lists shall be made out and delivered.—The assessor shall, at least ten days before the fifteenth of November in each year, give public notice, by advertisement in some daily paper published in the city, and also by hand-bills posted and circulated throughout the city, that all persons owning or having in their possession or under their control, whether as owner or agent of another, on the fifteenth day of November next ensuing, personal property subject to municipal taxation, are re-

(a) The legislature has no power to enact a law exempting property from taxation other than that mentioned in the constitution: *Constitution*, Art. X, Secs. 1 to 7; *Scotland County v. Railway*, 65 Mo. 123.

The constitutional provision is prospective in its operation and does not repeal prior special laws exempting property from taxation: *State ex rel. v. St. Joseph's Convent*, 116 Mo. 575.

The exemptions allowed by the constitutional provision above referred to are provided for by statute. R. S. 1899, Secs. 9119, 9120. Any further exemptions would be in conflict with said constitutional limitations: *Copland v. City of St. Joseph*, 126 Mo. 417; *State v. Wardell*, 153 Mo. 319.

quired to deliver to him, at his office, on or before the fifteenth day of January next, lists of all such property, classified as required by law, with the true cash value thereof: and that all merchants doing business in the city are required within the same time to furnish to him, at his office, a true statement, verified by the oath or affidavit of such merchant, or his agent, of the highest amount in value of all goods, wares and merchandise owned or kept on hand for sale by such merchant at any time within three months before such fifteenth day of November. [Laws of 1905, page 69].

SEC. 5. Assessments, when to be made.—It shall be the duty of the city assessor, between the fifteenth of November and the fifteenth day of March of each year, to make and return to the council a full and complete assessment of all property, real and personal, in such city, on the first day of November of such year, and not exempt from municipal taxation, excepting the goods, wares and merchandise kept on hand for sale by merchants, and excepting the property of corporations whose capital stock is liable to taxation at the cash value of such property: also a list of all merchants doing business in said city, with the cash value of highest amount of goods, wares and merchandise owned or kept on hand for sale at any time within three months before the fifteenth day of November of such year. All real estate assessed shall be returned in one book, and all other lists in one book under separate headings. Such books shall contain appropriate blank columns for the extension of all taxes therein, and shall be certified, verified and returned as hereinafter provided. [Laws of 1905, page 70]. (b)

SEC. 6. Lists to embrace what.—It shall be the duty of every person owning or having under his control any personal property subject to municipal taxation for any fiscal year to deliver to the city assessor, at his office, on or before the fifteenth day of January next preceding such fiscal year, a true and complete list thereof, with the actual cash value of such property, stating in such list:

(b) A valid assessment is a prerequisite to the lawful exercise of the power of taxation: *Abbott v. Lindenbower*, 42 Mo. 162; *State ex rel. Wyatt v. Wabash Ry. Co.*, 114 Mo. 1; *St. Louis v. Wenneker*, 145 Mo. 230; *State ex rel. v. Thompson*, 149 Mo. 441; *State ex rel. v. Mission Free School*, 162 Mo. 332.

A mere irregularity in making the assessment cannot affect the validity of the tax: *State ex rel. v. Stamm*, 165 Mo. 73.

I. The number of horses and other live stock and the value thereof.

II. The number of carriages and vehicles of every description, and the value thereof.

III. The amount and value of all household goods and property.

IV. The amount of money and credits of every description.

V. The number and value of all watches and other jewelry.

VI. The amount of stock or shares in any company or corporation not required by law to be otherwise listed.

VII. All other personal property subject to taxation by the city, and the value thereof, so belonging to him or under his control on the first day of November of such year. [Laws of 1905, page 70].

SEC. 7. Assessor shall attend his office, when.—On and after the fifteenth day of November the assessor shall attend at his office, and keep the same open himself or by some one of his deputies, on every week day, up to and including the fifteenth day of January following, from the hours of eight in the forenoon till five o'clock in the afternoon, for the purpose of receiving the lists of property and statements of merchants and others by this article required to be delivered to him, and shall, at all times, keep on hand and furnish to persons lawfully requiring the same all necessary blanks and forms of lists and statements required by this article. [Laws of 1905, page 70].

SEC. 8. He may administer oaths.—The assessor and his deputies shall be authorized to administer oaths and affirmations, and he may require any person to verify, by affidavit, any list made by him: and may also examine on oath any person touching the personal property for which he is liable to be assessed, or the value thereof, or the amount of goods, wares, merchandise owned or kept by him as merchant: and may, by a notice delivered to any person or left at his residence, office or place of business, require such person, within five days, to deliver to him at the assessor's

office any list or statement necessary for the purpose of making the assessment, and to verify the same by affidavit; and any person failing or refusing to verify such list when thereto requested by the assessor, or to be examined or answer on oath regarding his property and merchandise, when thereto requested by the assessor, or to deliver and verify such list and statement when notified by the assessor so to do, shall forfeit to the city the sum of one hundred dollars, to be recovered in an action therefor in the name of the city, to be instituted under the direction of the comptroller before the city recorder, or any court of competent jurisdiction; and the assessor shall assess such person according to the best information he can get, without stating the kind of personal property as provided in section 6. [R. S. 1899, Sec. 5579]. (c)

SEC. 9. Assessment of corporations.—The property of all corporations and companies, excepting the personal property of incorporated banks, shall be assessed and taxed as the property of individuals is assessed and taxed. All shares of stock of incorporated banks, whether organized under the laws of this state or the United States, shall be assessed at their actual cash value. The president or other chief officer of any such bank shall each year within the time prescribed by law for listing personal property, under oath, deliver to the assessor a list of all shares of stock held therein and the names of the persons holding same on the fifteenth day of November, together with a list of all real estate belonging to such corporation, and lying within the limits of the city, which real estate shall be listed, assessed and taxed as other real estate is; and he shall also state upon oath the actual cash value of such stocks, and such stock shall be assessed at its actual cash value to the owners thereof as other personal property is taxed, in one list by itself on the personal property tax-book of the assessor, in a column headed by the name of the bank whose stock is thus as-

(c) A clerical error in the date of the assessor's affidavit will be disregarded: *State ex rel. v. Hurt*, 113 Mo. 90.

Where the taxpayer is not found at his residence or place of business, the right to assess for taxation attaches upon the leaving of the required notice at either place, the taxpayer failing to respond thereto: *State ex rel. v. Cummings*, 151 Mo. 49.

An assessment in such case, of a lump sum instead of listing the items of property, is a mere irregularity: *State ex rel. v. Cummings*, 151 Mo. 49.

essed and taxed. The taxes assessed on shares of stock embraced in such list shall be paid by the corporation respectively as agents of each of its shareholders, and shall be a lien upon such shares from the fifteenth day of November before the fiscal year for which the same are assessed, and these corporations may recover from the owners of such shares the amounts so paid by them, or deduct the same from the dividends accruing on such shares; and the amount so paid shall be a lien on such shares respectively from the date aforesaid, and shall be paid before a transfer thereof shall be made. If any president or other chief officer of any such corporation fail to comply with the provisions of this section he shall forfeit to the city the sum of one thousand dollars, to be recovered by the city as plaintiff in any court of competent jurisdiction, and the assessor shall proceed to assess the stock of such corporation as nearly correct as he may be able to do: and if in any manner, by reason of a former defective assessment, or of a non-assessment of the whole, or any part of the stock of any bank within any previous period of five years, the tax on such stock has not or could not be collected then the assessor shall in any subsequent year, within the term of five years, assess such stock according to his best knowledge of the owners thereof who should have been assessed at the date of such new assessment, or such defective assessment, was or should have been made: and such additional assessment list shall be entered in a list by itself on the personal property tax-book, in a column headed by the name of the bank whose stock is so assessed, and showing that it is for the back years intended. [Laws of 1905, page 71]. (d)

(d) A railroad company whose stock is by law exempt from taxation cannot be taxed on property owned and used by it in the operation of its railway and necessary for that purpose. The stock is but the representative of the property: *Scotland County v. Railroad*, 65 Mo. 123.

The shares of stock in national banks are liable to assessment and taxation in this state: *Lionberger v. Rowse*, 43 Mo. 67; *National Bank v. Meredith*, 44 Mo. 500; *Curtis v. Ward*, 58 Mo. 295; *The State ex rel. v. Catron*, 118 Mo. 285.

A city of the second class is empowered by the statutes to tax shares of stock in a business corporation owned by a resident of the city, where the property of the corporation is without the jurisdiction of the city and cannot be taxed by it. And it makes no difference that the property of the corporation is located in another state and taxed there: *Ogden v. City of St. Joseph*, 90 Mo. 522; *State ex rel. v. Catron*, 118 Mo. 284; see *School Dist. v. Wickersham*, 34 App. 340; *Valle v. Ziegler*, 84 Mo. 218.

SEC. 10. Taxation of railroad, telegraph and bridge companies.—Upon all property owned by any railroad, telegraph or bridge company within such city, subject to taxation for state and county purposes, upon which a city tax has heretofore been levied and collected by county officers, such city is hereby empowered to levy and collect taxes upon such property in the same manner that taxes are levied and collected upon other property within the city; and the valuation upon which a tax may be levied and collected shall be the last valuation fixed by the state board of equalization prior to January first of each year. [R. S. 1899, Sec. 5583].

SEC. 11. Assessments, how returned.—The assessor shall return on his assessment book of real property, in tabular form, each parcel of real estate subject to taxation, with the description and value thereof in numerical order as to the lots and blocks, or sections or subdivisions thereof, and in a separate column the value attached by the assessor to each parcel or description. When any property is not laid off in lots or blocks the assessor shall describe the same by any pertinent description, and for the purpose of such description may require the owner thereof to furnish such description. It shall be the duty of all the owners of property not so laid off in lots or blocks to furnish to the assessor a sufficient description thereof, and in the case of the failure of any such owner to furnish such description at least fifteen days before the time fixed for the return of the assessment the assessor may require the city engineer to make and return to him a survey of such property, and the expense of such survey shall be returned by the assessor, together with his assessment of the property, and shall be added to the tax to be levied upon the property, and collected as a part thereof. The owner of an undivided interest in any parcel of land may furnish to the assessor, at any time before his assessment is returned, a description of such parcel, with the amount of his interest therein, and the assessor shall then assess such undivided interest with the name of the owner thereof as a separate parcel: but unless such description and statement is so furnished the assessor shall not be required to make such separate assessment. The assessor shall number each parcel of land assessed in the order of the same upon the assessment book. If the assessor shall discover that any real or personal property which was subject to taxation for any previous year was not assessed, or for any cause has escaped taxation for such year, it shall be the duty of

the assessor, in addition to the assessment for the then ensuing year, to assess such property for the year or years in which the same was untaxed. [R. S. 1899, Sec. 5581]. (e)

SEC. 12. **Affidavit to return of certificate.**—Upon the completion of his assessment the assessor shall endorse upon each of his assessment books his certificate that he has made diligent efforts to ascertain all taxable property of the class or kind assessed in such book and all persons liable to poll tax for the fiscal year, being or situate in the city, and that so far as he has been able to ascertain the same is correctly set forth in the book, which certificate he shall verify by his affidavit, and then return the assessment to the council by delivering the same to the city clerk at his office. [R. S. 1899, Sec. 5582].

SEC. 13. **Notice of sitting of board of appeals.**—The city clerk shall cause to be published, in at least one newspaper published in said city, and for at least five days before the day fixed by law for the sitting of the board of appeals, a notice to all taxpayers of the city that the board of appeals will hold its annual session on the days prescribed by law, and stating the place where such board will hold its session, and that in the meantime the assessment for the ensuing fiscal year will be open to the inspection of the public at the office of the city clerk. [R. S. 1899, Sec. 5584].

SEC. 14. **Board of appeals—sessions, when held.**—The mayor, comptroller and the alderman who is the chairman of the finance committee shall be and constitute the board of appeals and complaints of any party aggrieved by the assessment as made by the assessor; a majority of the members of said board shall constitute a quorum for the transaction of business. Said board shall hold its session in each year for not more than twelve nor less than six days, beginning on the fourth Monday in March in each year; said alderman shall receive five dollars per day for his services on such board. [R. S. 1889, Sec. 5585].

SEC. 15. **Proceedings of board in equalizing assessments.**—The city clerk shall deliver to the board of appeals the assess-

(e) *Cape Girardeau v. Buehrmann*, 148 Mo. 198.

ment books on the first day of the session of said board, and he shall act as clerk of said board. Any person aggrieved by an error in the assessment may make his complaint or appeal on account of such error in writing. The board shall hear and determine the same summarily, and may examine the person appealing and any other person on oath touching the matter complained of, and shall have power to compel attendance of witnesses and production of books and papers, and to this end the chief of police of the city shall execute such process as may be issued by said board. If they propose to increase the assessment in any case they shall cause notice thereof to be served upon the owner (or his agent or representative) of such property, if within the city, who shall have the right to be heard upon such proposed increase. If the board shall find any error in the assessment they shall order the same to be changed and corrected, and for the purpose of making the same fair and just may increase or diminish the valuation of any property to its fair cash value. The assessor shall also attend upon the sessions of the board, and make such corrections on the assessments as may be ordered by the board: such correction shall not be made by an erasure or interlineation, but be placed in a column opposite original valuation, and the change in valuation of each class placed over same in red ink. [R. S. 1899, Sec. 5586]. (f)

SEC. 16. Assessments upon which levy shall be made—proceedings.—At the first meeting of the common council for each fiscal year the city clerk shall present to the council the assessment and an abstract of the gross amount of the valuation of real estate, personal property, goods, wares and merchandise of merchants, taxable premiums of insurance companies, and the number of polls as shown thereby, upon which the council shall proceed, by ordinance, to levy the taxes for the fiscal year: Provided, that if the proposition to organize as a city of the second class is adopted between the first day of January and the first

(f) Board has no power to add property to list returned by assessor: *State ex rel. v. Cunningham*, 153 Mo. 642.

Board acts judicially: *Black v. McGonigle*, 103 Mo. 192; *St. Joseph Lead Co. v. Simms*, 108 Mo. 222; *State ex rel. v. Vaile*, 122 Mo. 33.

Certiorari the proper remedy to review an increase of assessment, when: *State ex rel. v. Springer*, 134 Mo. 212; *Railroad v. Board*, 64 Mo. 294; *State v. County Court*, 69 Mo. 454; *State ex rel. v. Bank of Neosho*, 120 Mo. 161.

meeting of the council aforesaid the levy herein required shall be made for the first fiscal year only, upon the last assessment under the law in force in such city, and the books containing such assessment of real and personal property and polls shall be by the collector, city assessor, or other proper officer, furnished to the council before the time for making the levy aforesaid, by delivering the same to the city clerk and auditor, for the purpose in this section prescribed, which said assessment so adopted shall be the assessment for that year, and for the purposes of this article and the levy aforesaid shall be as valid and effectual as though it had been made under and according to the provisions of this article. It shall be the duty of the city register, assessor or other proper officer or officers in office at the time of said adoption, whose duty it is or was to take, receive or have in charge the statement of goods, wares and merchandise of merchants and taxable premiums of insurance companies to furnish said statements to the city clerk aforesaid, at or before the first meeting of the council as herein provided, upon which said statements the taxes for the first fiscal year shall be levied as provided in this article; and said levy shall have the same validity and effect that it would have had if said statements had been made under and according to the provisions of this article. After the levy aforesaid the city auditor shall, in addition to his duties prescribed in section 17, cause said assessment to be transcribed into two assessment books, as named in said section, and in appropriate form. [R. S. 1899, Sec. 5572].

Sec. 17. Assessment to be delivered to auditor, when.—On the day next after the passage and approval of an ordinance levying the taxes of any fiscal year the city clerk shall deliver to the city auditor the assessment for such year, and also a certified copy of such ordinance levying the taxes for that year. The auditor shall forthwith proceed to extend the taxes for the year upon the assessment books in appropriate columns therein to be left for that purpose; and shall also enter opposite each parcel of real estate in a column for that purpose any delinquent tax upon such parcel required by law to be so entered; and shall also extend upon said book against any parcel returned by the assessor as untaxed for any year, or years, the amount of the tax for such year or years for which the same was untaxed, according to the rate of taxation, as prescribed by ordinance for such year. In extending

the taxes upon personal property it shall only be necessary for the auditor to extend the same upon the gross amount assessed against each person. After so extending such taxes and entering the delinquent taxes required to be entered the auditor shall foot up the gross amount of all taxes as shown by the books, upon real estate, the amount of all taxes upon personal property, merchants' license taxes, foreign insurance companies' taxes and poll taxes for the fiscal year: and also the gross amount of all said several kinds of taxes as shown by the books: and also of all taxes for previous years for which property was untaxed, and finally shall foot up the gross amount of all taxes of whatever nature for the fiscal year and prior years, and delinquent taxes, and shall enter such footings in said books in their appropriate places: and shall also make an abstract thereof at the end of the personal tax book. He shall then append to said books his certificate to the effect that the taxes therein contained are truly and correctly extended and entered according to the assessment of the property, the ordinances levying the taxes for the fiscal year, and all laws and ordinances regulating such entries. The book containing the assessment and taxes upon real estate, when so extended and certified, shall be entitled and called "Land Tax Book of 19—," and the book containing the assessment and taxes upon personal property, merchants' licenses, foreign insurance companies and polls shall be entitled and called "Personal Tax Book of 19—." The auditor shall also make out licenses for each merchant taxed as such for the fiscal year in such form as may be prescribed by ordinance. The auditor shall, on or before the fifth day of May in each year, deliver the books and merchants' licenses for such year to the city collector, taking therefor his receipt, which receipt shall state the gross amount of all such taxes contained in said books, and also the amount of each separate class of taxes as shown by the footings of the auditor of the same, which receipt the auditor shall safely keep in his office. [Laws of 1905, page 72].

SEC. 18. Tax books to show what.—The tax books shall show in one column the gross amount of such taxes against each parcel of real estate or on personal property against the owner or owners thereof. If any parcel of land has been or shall be bid off for the city for delinquent taxes, such taxes may be carried forward on any subsequent land tax book by entering and stating against the parcel of land the bidding off for the city, the year in

which it was done, and the gross amount of the taxes for which it was sold, not including interests and costs, but a certificate of sale, based on such bidding off, may at any time be issued, after such entry, with the same force and effect as before. It shall not be necessary to name the owner of any real estate in any assessment, land tax book, notice, sale book, paper or document. [R. S. 1899, Sec. 5588].

Sec. 19. Tax upon merchants.—The tax to be levied upon merchants shall be levied at the same time and at the same rates as that levied upon real estate for the same fiscal year, and shall be collected by way of a license tax, and shall be assessed, levied and collected in the manner now or hereafter to be prescribed by ordinance not inconsistent with this article: and the council shall have power to pass such other ordinances for the assessing, levying and collecting, and enforcing the payment of such license tax, not inconsistent with this article as they may deem necessary. [R. S. 1899, Sec. 5589]. (g)

Sec. 20. Carrying forward delinquent tax lists.—In extending the land tax book the city auditor shall make entries in proper spaces or columns against each lot or tract of land therein described of all unpaid delinquent taxes and special assessments on each lot or tract, so that the land tax book of each year shall be a record both of the taxes levied in the year in which the same may be made out, and also of all delinquent unpaid taxes and special assessments heretofore levied on each lot or tract of land described in the book, and the amount of back taxes paid for each year. Any other method than that prescribed in this section for carrying forward and entering in the land tax book, from year to year, delinquent taxes and special assessments may be used and shall be valid. In any book, notice, advertisement, certificate of purchase, deed, paper, receipt or document of any nature or description, made or executed under or pursuant to this article, it shall be sufficient to designate or denominate delinquent tax or special assessment as the taxes or special assessments of or for the calendar year in which the same may have been levied, although the same may have been levied for

(g) Tax paid by merchant under this article, not a license tax, but a personal property tax: *Cape Girardeau v. Riley*, 72 Mo. 220; *Kansas City v. Johnson*, 78 Mo. 661; *State v. Bixman*, 162 Mo. 65.

a fiscal year of the city covering parts of two calendar years. [R. S. 1899, Sec. 5591].

SEC. 21. Taxes to be paid, how.—No demand of taxes shall be necessary, but it is the duty of every person subject to taxation to attend at the office of the city collector, unless otherwise provided by ordinance, at some time between the first day of May and the first day of September in each year and pay his taxes; and if any one neglects to pay them before the first day of September following the levy of the tax the same shall be delinquent and bear interest thereafter at the rate of twenty-four per centum per annum. [R. S. 1899, Sec. 5592]. (h)

SEC. 22. Rebates on pre-payments.—Any person paying taxes for any fiscal year in the year for which such taxes were levied shall be entitled to receive, and it is hereby made the duty of the city collector to allow such persons a rebate on such taxes so paid, as follows: On all such taxes paid in the month of May a rebate of two per cent; and on all such taxes paid in the month of June a rebate of one per cent; but no rebate shall be allowed on any such taxes paid after the month of June. [Laws of 1903, page 74].

SEC. 23. Taxes to be received on parts of lots and parcels.—The collector shall receive taxes on parts of any lot, piece or parcel of real property charged with taxes: Provided, the person paying such tax shall furnish a particular specification of the part, and if the tax on the remainder of such lot or parcel of real property shall remain unpaid it shall be the duty of such collector to enter such specification in the land tax book, to the end that the part on which the tax remains unpaid may be clearly shown. If payment is made on an undivided share or interest of real property such collector shall enter in the land tax book the name of the owner of such share, so as to designate upon whose and what

(h) Taxes paid under mistake of law cannot be recovered. *Couch v. Kansas City*, 127 Mo. 436; but where a city had unlawfully extended its limits, and exacted of plaintiff the payment of a license tax, and police officers threatened him with immediate arrest and the closure of his place of business unless the taxes were paid, held that the payment of the license tax was not voluntary, but made under duress, and could be recovered back: *Douglas v. Kansas City*, 147 Mo. 428. Charter governs rate of interest on delinquent taxes: *Kansas City v. Payne*, 71 Mo. 159; *Westport ex rel. v. McGee*, 128 Mo. 152.

interest the tax has been paid. Any person may also pay the taxes or special assessments of any year or years on any lot or parcel of real property, leaving unpaid any other taxes or special assessments on such real property appearing by the land tax book to be a charge on same: Provided, however, that the city collector shall not be bound to accept or receipt for any part of the taxes or of any special assessment of any year. [R. S. 1899, Sec. 5594].

Sec. 24. Receipt to be given on payment.—When any person shall pay any tax or special assessment it shall be the duty of the collector to sign a receipt therefor, specifying the name of the person for whom paid, the date and amount paid on each tract or parcel of real property, the amount paid on personal property, all interest and costs, if any, and the year or years paid for, which receipt the city collector shall immediately deliver to the city auditor, whose duty it shall be to countersign and deliver the same to the payer, first making therefrom a permanent record or account, showing all the facts to be stated in such receipt, as aforesaid, so that such record will show the amount collected by the city collector each day, and the rebates or interests and costs, if any, on the same. The city collector, upon receiving any tax or special assessment, shall, before delivering the receipt to the auditor, mark the same paid and date of payment in the proper tax book. If the city collector or city auditor shall fail or neglect to perform any of his duties, as prescribed in this section, he shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not less than one hundred dollars, or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment. [R. S. 1899, Sec. 5595].

Sec. 25. Collections by distress.—If any taxes on personal property shall remain unpaid on the first day of September it is hereby made the duty of the city collector to make the same by distress and sale of the personal property not exempt from taxation, and the personal tax book shall alone be sufficient warrant for such distress. When the city collector distrains goods he shall keep them at the expense of the owner, and shall give notice of the time and place of sale of the same within five days after the taking in the manner constables are required to give notice of the sale of personal property taken under execution: and the time of sale shall not be more than twenty days from the day of taking.

He shall enter upon the personal tax book a brief description of the property taken, and the amount for which the same was sold. The city collector shall render an account of the sale and charges to the owner, in writing, upon the same being demanded, and pay any surplus in his hands to such owner. [R. S. 1899, Sec. 5597].

SEC. 26. **Delinquent taxes.**—It is hereby made the duty of the city collector, as soon as taxes on personal property shall be delinquent, to proceed to collect the same by distress and sale, in the manner prescribed in section 25; and for this purpose it shall be his duty to appoint one or more deputies to aid and assist him in the speedy collection of such delinquent personal taxes. The city collector shall receive as a compensation for his services and expenses such sum as may be paid, by ordinance, on the amount of all delinquent personal taxes collected not exceeding five per cent, which percentage he shall collect from the delinquent, together with the whole amount of delinquent taxes, interest and costs; and in making such collections should it become necessary to make the delinquent personal taxes by distress and sale he shall be entitled to receive the same compensation, in addition, as may be provided by ordinance, not to exceed the five per cent provided for in this section, as constables are entitled to receive for the sale of property on execution, and such other and further compensation as may be provided by ordinance of such city, which shall also be taxed as costs. [R. S. 1899, Sec. 5603].

SEC. 27. **Collector may call assistance.**—If the city collector, or any of his deputies, be resisted or impeded in the discharge of his duties, as provided in sections 5597 and 5603, R. S. 1899, he may require any suitable person to assist him therein; and if such person refuse the aid such person shall forfeit a sum not exceeding ten dollars, to be recovered in a civil action in the name of the city, before the judge of the police court; and the person resisting shall be liable in the same manner and to the same extent as in the case of resisting the sheriff in the execution of civil process. [R. S. 1899, Sec. 5599].

SEC. 28. **Proceedings when taxpayers remove.**—If any one against whom a personal tax is assessed, and which is due and unpaid, whether the same be delinquent or not, shall have removed out of the city, or shall be about to remove out of the city, or

shall have removed or be about to remove his personal property out of the city, it shall be the duty of the city collector to at once proceed to collect such personal tax by distress and sale of any personal property of such person that shall be found in such city, as provided in the preceding sections of this article for the distress and sale of personal property for delinquent personal taxes, and shall receive the same fees and compensation therefor. [R. S. 1899, Sec. 5600].

SEC. 29. Shares of stock may be sold, when.—If any tax, interest or cost shall remain unpaid on the first day of September on any share or shares of any corporation, the shares of which are taxable under this article or any ordinance of the city, it shall be the duty of the city collector to sell such share or shares to the highest bidder, at public vendue, at his office in said city, giving ten days' notice of the time and place of sale, describing in such notice the share or shares to be sold, substantially the same as they are described in the personal tax book, with the name of the person or persons in whose name or names such share or shares are assessed; which notice shall be either printed or written and signed by the collector, and shall be posted up in four public places in the city. It shall be the duty of such collector to give the purchaser of any such shares a certificate, stating the fact that the person therein named purchased the share or shares therein described, describing them substantially in such certificate as they are described in the personal tax book. Any person or persons purchasing shares of stock in any such corporation at such sale shall be entitled to have such share or shares so purchased entered upon the books of such corporation as the share or shares of such purchaser, and he shall be deemed in law and equity as the absolute owner of such share or shares. If such share or shares so sold shall not sell for an amount equal to the tax, interest and costs thereon the city collector shall proceed to make the residue of such tax, interest and costs by distress and sale of the personal property not exempt from taxation, and in the same manner as hereinbefore provided for distress and sale of personal property of the owner or owners of such share or shares at the time such tax became a lien thereon. The city collector shall be entitled to charge and receive such per cent as may be fixed by ordinance on all delinquent taxes collected under this section, which shall be charged up as costs and paid from the proceeds of the shares or other per-

sonal property sold as aforesaid. Nothing in this section shall be so construed as to prevent an action in the name of the city before any court of competent jurisdiction against such corporation or any of the stockholders to recover any tax, interest and costs remaining unpaid on any share or shares of such corporation on or after September first. [R. S. 1899, Sec. 5601].

SEC. 30. Collector to furnish comptroller list of unpaid taxes.—It is the duty of the city collector, on the first Monday of November in each year, to make out and return to the comptroller of the city a full and complete list of all taxes on personal property remaining unpaid, which list shall state the name of each person delinquent in the payment of his personal tax, which list shall be made out alphabetically. The collector shall make and subscribe an affidavit to be attached to said delinquent list named in this section, substantially as follows:

I,, city collector of the city of..... do solemnly swear (or affirm) that the foregoing is a true and correct list of all the delinquent taxes on personal property remaining due and unpaid for the fiscal year. . . ; that I have made, or caused to be made, due search, and have been unable to find any goods or chattels in the city of either of the delinquents not exempt from taxation; that I have not through fear, favor or affection, neglected or refused to collect any portion of the delinquent personal tax in said list by distress and sale of personal property.

Which list of all taxes on personal property, and the affidavits thereto, shall be filed in the office of the city auditor. The delinquent list of personal tax so returned shall be turned over to the city counselor, whose duty it shall be to proceed to collect the same by an action or attachment therein or other process of law, in the name of the city in any court of competent jurisdiction. He shall receive ten per cent on all sums collected on such delinquent list of personal tax, which shall be taxed up as costs in the case, and collected as other costs, except that in no event shall the city be liable for the same. [R. S. 1899, Sec. 5602].

SEC. 31. Taxes, when deemed delinquent.—On the first day of September in each year the unpaid taxes shall become delinquent, and shall bear interest from that date at the rate of twelve per centum per annum, and taxes upon real property are hereby made a perpetual lien thereon against all persons. The city col-

lector is hereby authorized and directed to collect the delinquent taxes by the sale of the real property upon which the taxes are levied. The city collector shall continue to receive taxes after they become delinquent until collected by distress or sale. [Laws of 1905, page 74].

SEC. 32. The sale of real estate for taxes.—On the first Monday in October in each year the city collector shall offer at public sale, at his office in such city, all real property on which taxes or special assessments shall remain due and unpaid, and such sale shall be made for the payment of the total amount of all taxes and special assessments, interest and costs due and unpaid for all years on such real property. [R. S. 1899, Sec. 5605].

SEC. 33. Notice to be given.—The notice to be given of the sale of real property for delinquent taxes shall state the time and place thereof, and contain a description substantially the same as in the land tax book of the several parcels of real property to be sold, and all delinquent taxes and assessments thereon, and such real property as has not been advertised and sold for the taxes of any previous year or years, and on which taxes or special assessments remain due and delinquent, and the amount of taxes and special assessments, interest and cost against each parcel of real property. [R. S. 1899, Sec. 5606].

SEC. 34. Notice, how given.—The city collector shall give the notice required in the last preceding section by causing the same to be published once in each week for three successive weeks in some newspaper published in such city, the last publication to be at least one day before the day of sale. The city collector shall charge and collect, in addition to the taxes and interest, a sum not exceeding ten cents on each tract of real property advertised for sale, or any sum not exceeding said amount, as may be provided by ordinance of such city. And if the city collector cannot procure the publication of said notice for the sum herein specified, or as may be provided by ordinance as aforesaid, or if from any reason the city collector is unable to procure the publication of said notice, he shall post up written notices of said sale in the four most public places in such city at least three weeks before the sale; and notice so given shall have the same force and effect as though the same had been published in a newspaper. In that

case he shall, before making the sale, file in the office of the city auditor a copy of said notice, with his certified endorsement thereon setting forth that said notice had been posted up in the four most public places in such city at least three weeks before the sale, which said certificate shall be subscribed by him, and sworn to before some person authorized to administer oaths. The city collector shall obtain a copy of said advertisement, together with a certificate of the due publication thereof, from the printer or publisher or business manager of the newspaper in which the same shall have been published, and shall file the same in the office of the city auditor, and such certificate shall be substantially in the form that may be prescribed by ordinance of the city or by the comptroller. [R. S. 1899, Sec. 5607].

SEC. 35. **Property, how sold.**—The city collector shall, at his office in such city, on the day of sale, at the hour of ten o'clock in the forenoon, offer for sale, separately, each tract or parcel of real property advertised for sale, on which the taxes, interest and costs or special assessments have not been paid, and shall continue the sale from day to day, between the hours of ten o'clock in the forenoon and five o'clock in the afternoon, as long as there are bidders or until the taxes are all paid. [R. S. 1899, Sec. 5608].

SEC. 36. **The purchaser.**—The person who offers to pay the amount of taxes, special assessments, interest and costs due on any tract or parcel of real property for the smallest portion of the same is to be considered the purchaser. The person purchasing any tract or parcel of real property, or part thereof, shall forthwith pay to the city collector the amount of taxes, special assessments, interest and cost charged thereon; and on failure to do so the said tract or parcel of real property shall at once be again offered, as if no sale had been made. The person who will pay the tax, the special assessments, interest and costs for the least number of front feet or inches of any lot or parcel of real property, to be taken from either side thereof, the side to be designated by the bidder at the time he offers his bid, shall be deemed the purchaser for the smallest portion of such lot or parcel of real property. [R. S. 1899, Sec. 5609]. (i)

(i) Roth v. Gabbert, 123 Mo. 30.

SEC. 37. When the whole of lot sold.—If no person bid for a less quantity than the whole of a lot or parcel of real property the city collector shall sell the lot or parcel of real property to any person who will take the whole of such tract, lot or parcel of real property, and pay the taxes, special assessments, interest and costs thereon. [R. S. 1899, Sec. 5610].

SEC. 38. Auditor to attend all sales.—The city auditor shall attend all sales of real property for taxes made by the city collector, and make a record thereof in a book to be kept by him for that purpose and designated Book of Sales, therein describing the several tracts or parcels of real property, on which the taxes, interest and costs were paid by the purchaser, as they are described in the advertisement on file in his office, and substantially the same as it is described in the **Land Tax Book**, stating, in separate columns the amount, as obtained from the **Land Tax Book**, of each kind of tax, interest and cost for each tract or parcel of real property, how much and what part of each tract or lot was sold, to whom sold and date of sale. The city collector shall also note in the **Land Tax Book**, opposite the tract or parcel of real property sold, the fact and date of such sale, and to whom sold. [R. S. 1899, Sec. 5611].

SEC. 39. Sale, when to be adjourned.—When all the parcels of real property advertised for sale shall have been offered and any portion thereof shall remain unsold for want of bidders, the city collector shall adjourn the sale to some day not exceeding two weeks from the time of adjournment, due notice of which shall be given at the time of adjournment, and also by keeping a notice thereof posted in a conspicuous place in his office, but no further advertisement shall be necessary. On the day fixed for the re-opening of the sale the same proceedings shall be held as provided hereby for the sale commencing on the first Monday in October; and further adjournments shall be made, from time to time, not exceeding two weeks, and the sale shall be thus continued until the next regular annual sale, or until the taxes, interest and costs shall have been paid, unless such sale shall be discontinued by order of the comptroller as hereinafter provided. [R. S. 1899, Sec. 5612].

SEC. 40. Property, when bought for city.—If any tract or parcel of real property cannot be sold for the amount of all the taxes, interest and cost thereon the city auditor shall, if so directed by the comptroller of the city, bid it off for the city for such amount. When any real property shall be bid off for the city as aforesaid, it shall be the duty of the city auditor to make a record of the same in the book of sales by stating such fact of sale to the city, and the date of the same: but no certificate of sale shall be made, except as follows: Whenever any person shall pay the city collector a sum of money equal to the amount of all taxes, interest and costs, including costs of any suit that may be commenced thereon on such parcel or parcels of real property at the time of such payment, the city collector shall give to such person a certificate dated the day when it is issued, describing the real property bid off for the city, as the same is described in the land tax book, stating the amount of each kind of tax, interest and costs for which was bid off to the city: also the costs of any proceedings thereon, if any; the amount paid to the city collector by such person for such real property: the time when the owner of such certificate will be entitled to a deed, and shall number said certificate to correspond with the number of the parcel of real property in the land tax book, which certificate, before it shall be of any validity, shall be assigned to such person by the city auditor, who shall note the same on his book of sales: and such certificate, so assigned by the city auditor, shall vest all the interest of the city in or to such real property in such person, and such certificate shall be assignable to the same extent and in like manner as certificates given to purchasers at tax sales, and shall entitle such person to the same rights and privileges thereunder as if he had purchased the same at the tax sale: Provided, that any real property purchased for the non-payment of a tax illegally levied such purchase money shall be returned to such purchaser by the city; and in all cases where taxes, or taxes and penalties, have been or may be hereafter paid through mistake to the city the city shall refund the same to the person so paying the same, or his agent. [R. S. 1899, Sec. 5613].

SEC. 41. Auditor not attending sale, penalty.—If the city auditor or city collector shall fail to attend any sale of real property as required by this article or any ordinance of such city, either in person or by competent deputy, he shall be liable to a

fine of not less than one hundred or more than five hundred dollars, to be recovered in an action in the name of such city, before the judge of the police court, against the city auditor or city collector, as the case may be, and his bondsmen; and if such city collector or his deputy shall sell or assist in selling any real property on which the taxes or special assessments for which the same is sold have been paid, or shall execute and deliver a deed for real property which has been redeemed in accordance with the provision of this article or any ordinance of such city, or for real property for which the amount required to redeem the same has been duly tendered him before the execution and delivery of the deed of the same, in either of said cases the city collector, through whose negligence in the discharge of his official duties such injured party is damaged, and his bondsmen, shall be liable to such injured party to the amount of any judgment that may be rendered against him under the provisions of this article in any action by or against such injured party, involving or in any manner calling in question the sale of such real property for taxes, or the title thereby conveyed or purporting to be conveyed to the purchaser at such tax sale, his heirs or assigns, in any court in this state, and for any and all amounts such injured party may be compelled to pay to redeem such real property so sold, together with interest at the rate of two per cent a month on the amount such injured party pays on such judgments or to redeem such real property so sold from the time of such payment; and such injured party shall be entitled to recover reasonable attorney fees for prosecuting any action against such collector and his bondsmen in cases where such injured party recovered judgment. [R. S. 1899, Sec. 5614].

Sec. 42. Sale, when made in November.—If from neglect of any officer of the city, or any other cause, real property cannot be duly advertised and offered for sale on the first Monday of October, then the city collector shall make the sale on the first Monday of November, allowing time for publication, as provided in this article. [R. S. 1899, Sec. 5615]. (j)

Sec. 43. Certificate of purchase to be made to purchaser.—The city collector shall make out, sign and deliver to the purchaser

of any real property sold for payment of taxes, as provided for in this article or by ordinance of such city, a certificate of purchase, describing the real property on which the taxes, interest and costs were paid by the purchaser, substantially as the same was described in the land tax book, and also how much and what part of each tract or lot was sold, stating the amount of each kind of tax, interest and costs for each tract or lot for which the same was sold, and that payment had been made therefor. If any person shall become the purchaser of more than one parcel of real property he may have the whole included in one certificate of purchase, but each parcel shall be separately described. The certificate of purchase aforesaid shall be assignable by indorsement, and an assignment thereof shall vest in the assignee all right, title or interest of the original purchaser. [R. S. 1899, Sec. 5616].

SEC. 44. Duplicate receipts to be issued.—The city collector shall make out, sign and deliver to the purchaser of any real property sold for taxes as aforesaid duplicate receipts for any and all taxes, interest and costs paid by such purchaser for subsequent year or years, one of which receipts such purchaser shall present to the city auditor, whose duty it shall be to file such receipts in his office, and enter a memorandum thereof upon the book of sales. When such purchaser shall pay any state or county tax on any parcel of real property, whether levied before or after the date of the certificate of purchase, sold for taxes as provided in this article, after the date of his certificate of purchase, it shall be the duty of the officer receiving the same on such certificate of purchase being exhibited to such officer to make out and deliver to such purchaser duplicate receipts, which receipts shall show the amount of tax paid on each separate parcel of real property named in such certificate of purchase, one of which duplicate receipts such purchaser shall present to the city auditor, whose duty it shall be to file the same in his office and enter a memorandum upon the book of sales in its appropriate column opposite each parcel of real property named in such duplicate receipts the amount of tax paid on such parcel, and the date of such payment. The city auditor shall in like manner enter a memorandum upon the book of sales of any special tax or tax bill paid by such purchaser after the date of his certificate of purchase, upon such purchaser exhibiting to him the receipt or proper

voucher, showing the payment of such tax or tax bill, the amount and date of its payment, the particular tract or parcel of real property on which paid, and shall deliver to the auditor a copy of such receipt, which, when certified to as a true copy by the auditor, he shall file in his office. [R. S. 1899, Sec. 5617].

SEC. 45. Property may be redeemed.—Real property sold under the provisions of this article, or any interest in such real property, may be redeemed by the owner, his agent or attorney at any time within two years from the first day on which such real property was advertised for sale, or at any time before the execution and delivery of the tax deed, to the purchaser at the tax sale, his heirs or assigns, by the payment to the city collector of the amount for which such real property was sold, and ten per centum of such amount immediately added as a penalty, with twenty-four per cent interest per annum on the whole amount thus made from the day of sale; and also the amount of all taxes, state, county or municipal, general or special, paid by the purchaser, his heirs or assigns, after the date of the certificate of purchase, and a like penalty of ten per centum added as before on the amount of each of such payments, with twenty-four per cent interest per annum on the whole of such amount or amounts from the day or days of payment. [R. S. 1899, Sec. 5618].

SEC. 46. How redeemed.—The city auditor shall, upon application of any person wishing to redeem any real property sold for taxes under the provisions of this article or any ordinance of such city, give to such person a statement setting forth the amount required to redeem each tract or parcel of real property described in such statement. Upon such person filing such statement with the city collector, and paying to such collector the amounts therein named, it shall be the duty of the city collector to give such person duplicate certificates of redemption therefor, one of which shall be countersigned by and the other filed with the city auditor, whose duty it shall be to make entry opposite the tract or parcel of real property redeemed on the proper book of sales in his office, showing the amount paid to redeem the same, the time when and by whom such redemption was made, and shall charge the city collector with such amount. The city collector shall make like entries in the proper land tax book in his office.

No certificate of redemption shall be valid or received in evidence without being countersigned by the city auditor as aforesaid. [R. S. 1899, Sec. 5619].

SEC. 47. Redemption of property of minor.—The real property or any interest therein of any minor or lunatic sold for taxes under the provisions of this article may be redeemed at any time within one year after such disability is removed in the manner specified in the following section, or such redemption may be made by the guardian or legal representatives, under the two last preceding sections, at any time before the execution and delivery of the tax deed. [R. S. 1899, Sec. 5620].

SEC. 48. Redemption after deed made.—Any person entitled to redeem real property sold for taxes under the provisions of this article, after the execution and delivery of the deed for the same, shall redeem the same by an equitable action, in which all persons claiming an interest in the land desired to be redeemed from the tax sale, as shown by the records, shall be made defendants, and the courts shall determine all rights, claims and interest of the several parties, including all liens for taxes and special assessments, interest and costs as provided in this article, and claims for improvements made on the real property by any person or persons claiming under the tax title: Provided, that any person seeking to redeem shall, before he shall be permitted to commence or prosecute his action, deposit with the clerk of the court in which the action or proceeding is commenced, an amount sufficient to pay the party claiming under the tax deed the amount paid at the tax sale for the real property in controversy; also the amount or amounts of all taxes, state, county or municipal, general or special, paid by the purchaser at the tax sale, or those claiming under or through him after the date of the certificate of purchase, with penalty added as provided in this article, with interest on all said amounts at the rate of twenty-four per cent per annum from the date or dates of such payment. [R. S. 1899, Sec. 5621].

SEC. 49. Redemption funds to be paid into the treasury.—All moneys received by the city collector for the redemption of real property shall be at once paid into the city treasury, to be

paid out to the purchaser of such real property, his heirs or assigns, on the delivery to the city auditor of the certificate of purchase, who shall file the same in his office (if all the real property included therein be redeemed, and if not, he shall mark those redeemed "canceled," and return such certificate to the owner thereof, and draw a warrant upon the city treasury in favor of the party entitled to such redemption money for the amount thereof, which warrant, before it shall be paid, shall be countersigned by the comptroller. If no person entitled to such redemption money shall, within two years after the same is paid to the city collector, appear and claim the same all such moneys not so claimed shall be forfeited to the city. [R. S. 1899, Sec. 5622].

Sec. 50. Redemption when city is purchaser.—Any person desiring to redeem any real property bid off for the city for delinquent taxes at any tax sale may redeem the same by the payment to the city collector of all taxes, interests and costs due thereon. In any case where any person shall redeem more than one parcel of real property at the same time he may require the city collector to include the same in one certificate of redemption. [R. S. 1899, Sec. 5623].

Sec. 51. Unredeemed property to be advertised.—The city collector, at least four months before the expiration of the time limited for redeeming real property, as provided for in this article, shall cause to be published in some newspaper published in such city, once a week for at least three successive weeks, a list of all unredeemed real property, describing each tract or lot substantially the same as it was described in the land tax book, stating the amount of taxes, penalty, charges, interest and costs, calculated to the last day of redemption, due on each tract or lot, together with a notice that unless such real property be redeemed on or before the day limited therefor, they will be conveyed to the purchaser, his heirs or assigns. The cost of such advertisement shall be charged to the party redeeming, or, if not redeemed, to be charged to the person receiving the deed; but the cost of such advertisement shall in no case exceed twenty cents on each parcel of real property so advertised. [R. S. 1899, Sec. 5624].

Sec. 52. Certificate of publication.—The city collector shall obtain a copy of the advertisement required in the last section,

together with the certificate of the due publication thereof, from the printer, publisher or manager of the newspaper in which the same shall have been published, and shall file the same in the office of the city auditor; and such certificate shall be substantially in the form to be prescribed by ordinance of such city: Provided, that no informality or defect in such advertisement, or any failure to make such advertisement or certificate, shall in any manner invalidate the sale made for taxes or the deed made for any real property sold for taxes. [R. S. 1899, Sec. 5625].

SEC. 53. Deed, when to be made.—If any real property sold for taxes under the provisions of this article shall not be redeemed within two years from the first day on which it was advertised for sale it shall be the duty of the city collector, on presentation to him of the certificate of purchase, to execute in the name of the city, under his hand and the seal of the city, to the purchaser, his heirs and assigns, a deed of the real property described in such certificate of purchase remaining unredeemed, as shown by such certificate of purchase, and shall acknowledge such deed and deliver the same to the grantee, which deed shall vest in the grantee an absolute estate, in fee simple, in the real property described therein, free from any and all incumbrances of whatsoever kind or nature, subject, however, to all unpaid taxes which are a lien thereon. The deed executed under this article shall be called a tax deed; shall be acknowledged and recorded in the same manner that other deeds and conveyances of real property are required to be acknowledged and recorded by the laws of this state. The city collector shall be entitled to demand and receive from the grantee in such deed, before the delivery of the same, a fee of one dollar, which shall include the cost of taking the acknowledgment of the same. Any number of parcels or lots of real property bought by the same person may be included in one deed, if so required by the purchaser: Provided, however, the city collector shall be entitled to an additional fee of ten cents for each parcel of property, included in such tax deed exceeding ten in number. [R. S. 1899, Sec. 5626].

SEC. 54. Form of deed.—The tax deeds executed by the city collector shall be substantially in the following form:

Know all men by these presents, that, whereas, the following described real property, viz:

....., situate in the city of....., in the county of
 and State of Missouri, was subject to taxation for the year
 (or years) A. D. 18....; and whereas, the taxes assessed upon said real
 property for the year (or years) aforesaid, remained due and unpaid at
 the date of the sale hereinafter mentioned; and whereas, the city collector
 of said city of....., did on theday of....., A. D. 18....,
 by virtue of authority in him vested by law, at (an adjourned sale) the sale
 begun and publicly held on the first Monday of....., A. D....., the
 first day on which such real property was advertised for sale, expose to
 public sale at the office of the city collector in the city of.....aforesaid,
 between the hours of ten o'clock in the forenoon and five o'clock in the
 afternoon, in conformity with all the requisitions of the statute in such
 case made and provided, the real property above described for the pay-
 ment of taxes, interest and costs then due and unpaid upon said real
 property; and whereas at the place aforesaid, A.....B.....
 of the county of....., and state of....., having offered to
 pay the sum of.....dollars and.....cents, being the
 whole amount of taxes, interests and costs then due and remaining unpaid
 on said real property for (here insert description of property sold, describ-
 ing each tract or parcel separately), which was the smallest portion bid
 for, and payment of said sum having been made by him to said city col-
 lector, the said property was stricken off to him at that price; and where-
 as, the said A.....B....., did, on the.....day of.....
 A. D....., duly assign the certificate of purchase of the property, as
 aforesaid, and all his right, title and interest to said real property to E
F....., of the county of.....and State of
; and whereas, two years have elapsed since the first day on
 which said real property was advertised for sale, and the said property
 has not been redeemed therefrom, as provided by law; and whereas, the
 city collector of the city of.....aforesaid did, at least four
 months before the expiration of the time limited for redeeming said real
 property, publish a notice, as required by the statute in such case made
 and provided, that unless said real property was redeemed on or before
 the day limited therefor, it would be conveyed to the purchaser, or his
 heirs or assigns: Now, therefore, I....., city collector of the city
 of....., county and state aforesaid, for and in consideration
 of the sum of.....dollars and.....cents, taxes, in-
 terest and costs due on said real property, for the year (or years) to the
 city collector of said city of.....(paid as aforesaid,) and by
 virtue of the statute in such case made and provided, have granted, bar-
 gained and sold, and by these presents do grant, bargain and sell unto said
 A..... B....., (or E..... F.....), his
 heirs and assigns forever, subject, however, to all rights of redemption
 provided by law.

In witness whereof, I,, collector of the city of.....
 as aforesaid, have herunto subscribed my name and affixed
 the corporate seal of the city of....., this.....day of....
, A. D.[Seal]....., city collector of the
 city of.....

Said deed shall be signed by the city collector, in his official capacity, with the seal of the city affixed, and acknowledged before some officer authorized to take the acknowledgments of deeds, and when substantially thus executed and recorded, shall be prima facie evidence in all courts of this state in all controversies and suits in relation to the rights of the grantee in said deed, his heirs and assigns, to the real property thereby conveyed or purporting to be conveyed; that the taxes were not paid at any time before sale; that the real property conveyed was subject to taxation for the year or years stated in the deed: that the real property conveyed had not been redeemed from the sale at the date of the deed: that the tender of redemption had not been made to the city collector before the execution and delivery of the deed; that the real property conveyed had been duly assessed for the year or years named in the deed; that the taxes were levied according to law; that the real property conveyed was duly advertised for sale: was duly sold for taxes, as stated in the deed; that the manner in which the assessment, levy, notice and sale were conducted was in all respects regular and as the law directed; that the grantee named in the deed was the purchaser, or that the certificate of purchase had been duly assigned to the grantee; that all the prerequisites of the law and ordinances of the city of.....were complied with by all the officers who had or whose duty it was to have had any part or action in any transaction relating to or affecting the title conveyed, or purporting to be conveyed, from the assessment of real property up to the execution of the deed, both inclusive; and that all things whatsoever required by law to make a good and valid sale, and to vest the title in the purchaser, were done, except only in regard to the points named in this section, wherein the deed shall be prima facie evidence only. [R. S. 1899, Sec. 5627]. (k)

- (k) Omission of recital that sale was "publicly" held is substantial defect: *Bingham v. Birmingham*, 103 Mo. 345; *Sullivan v. Donnell*, 90 Mo. 278.
- Omission of words "for the payment of taxes, interest and costs then due and unpaid on said real property," is a fatal defect in deed: *Hopkins v. Scott*, 86 Mo. 140.
- Only necessary that tax deed shall substantially comply with statutory form: *Skinner v. Williams*, 85 Mo. 489; *Sullivan v. Donnell*, 90 Mo. 278; *Pitkins v. Reibel*, 104 Mo. 505; *Gregg v. Jessberg*, 113 Mo. 34; *Atkinson v. Butler Improvement Co.*, 125 Mo. 573.
- Tax deed must show separate sale of each tract: *Allen v. Buckley*, 94 Mo. 158.
- Sufficiency of description: *Roth v. Gabbert*, 123 Mo. 21.

SEC. 55. **What proof necessary to defeat tax deed.**—In any suit or proceeding involving or in any manner calling in question the title or right of the grantee in a tax deed, or those claiming under him, of, to or in the real property conveyed or purporting to be conveyed by such tax deed, executed substantially as provided in the preceding section, the person claiming title adverse to the title conveyed or purporting to be conveyed by such tax deed shall be required to prove, in order to defeat the tax deed, either that the taxes, interest and costs were paid before the sale: that the real property therein described was not subject to taxation for the year or years stated in the deed: that the real property therein described had been redeemed from the sale at the date of the deed, or the tender of the redemption money had been made to the city collector before the executing and delivery of the deed, in accordance with the provisions of this article: and that such redemption was had, or attempted to be had for the use and benefit of the person having the right to redemption under this article: and if any person claiming title under a tax deed, executed substantially as provided for in the preceding section, shall be defeated in any suit or proceeding by or against him for the recovery of the real property conveyed or purporting to be conveyed by such tax deed, the successful claimant shall be adjudged to pay such person claiming under such tax deed the full amount of all money paid by the purchaser at the tax sale for such real property, and ten per centum of such amount immediately added as a penalty, with twenty-four per cent interest per annum on the whole amount made from the day of sale: and also the amount of all taxes, state, county or municipal, general or special, paid by the purchaser, his heirs or assigns, after the date of the certificate of purchase, and a like penalty of ten per centum added as before on the amount of each of such payments, with twenty-four per cent interest per annum on the whole of such amount or amounts so made from the day or days of payment, together with the costs of tax deeds and fees for recording the same, and all costs in the case, which judgment shall be a lien upon the real property in controversy, and shall bear interest at the rate of twenty-four per cent per annum, and may be enforced by execution as in other cases of judgments and decrees of such court. [R. S. 1899, Sec. 5628]. (1)

- (1) May recover taxes and assessments paid when tax deed substantially defective: *Bingham v. Birmingham et al.*, 103 Mo. 345; *Taft v.*

SEC. 56. Suit to be commenced, when.—Any suit or proceeding against the purchaser at a tax sale, his heirs or assigns, for the recovery of the real property or any interest therein sold for taxes, or to defeat or avoid a sale or conveyance of real property sold for taxes under the provisions of this article, shall be commenced within three years from the time of recording the tax deed, and not thereafter: Provided, that when the person claiming to own such real property, or any interest therein, shall be an infant or lunatic, such suit may be brought at any time within one year of the removal of such disability, to recover the interest only of such infant or lunatic in such real property. [R. S. 1899, Sec. 5629]. (m)

SEC. 57. Limit for recording of deeds.—Unless the holder or owners of certificates of purchase of real estate purchased at any tax sale under this article take out the deed or deeds, as permitted or contemplated by this article, and have such deeds recorded within two years from and after the time for redemption expires, the said certificates or deeds, and the sales on which they are based, shall, from and after the expiration of such two years, be absolutely null, and shall constitute no basis of title, and shall cease to be a cloud on the title to the real estate to which such certificates refer. [R. S. 1899, Sec. 5630].

SEC. 58. Effect of recording tax deeds.—Any person putting on record a tax deed, executed substantially as provided for in this article, shall be deemed to have set up such a title to the real property described in such deed as will enable the party claiming to own such real property to maintain an action for the recovery of the possession thereof against any person claiming under the tax deed, whether such person is in actual possession of the lands or not; and such tax deed shall be received in evidence without further evidence to sustain such conveyance or the title thereby acquired. [R. S. 1899, Sec. 5631]. (n)

McCulloch, 135 Mo. 594; Pitkin v. Reibel, 104 Mo. 505; Burke v. Brown, 148 Mo. 309.

(m) Three years' limitation valid: Hill v. Atterbury, 88 Mo. 114; Bird v. Sellers, 122 Mo. 23.

(n) This section applies only where the land is vacant: Callahan v. Davis, 90 Mo. 78; S. C. 103 Mo. 444; Allen v. White, 98 Mo. 55.

SEC. 59. Taxes paid may be recovered, when.—In any case taxes are paid by any party whose lands are or may be in controversy in any court, and the party so paying shall fail to recover said lands, or be dispossessed of the same, he shall be entitled to collect from the party recovering the taxes so paid, with interest at ten per cent per annum from date of payment: and the taxes so paid shall be a lien on any such real property. [R. S. 1899, Sec. 5632].

SEC. 60. Title shall not fail, when.—No title or lien to, in or on any lot or tracts of land, or right to any relief, matter or thing under or by virtue of any tax sale, certificate of purchase, payment of any taxes, special tax bills or special assessments subsequent thereto, or tax deed, shall fail, if any one or more of the taxes for special assessments, for payment of which the sale shall be made, or the certificates of purchase issued, shall be valid and a lien upon the land, but such title, lien and right shall be deemed to rest on and be supported by the valid tax or taxes, special assessment or special assessments paid by the sale, or as stated in the certificate of purchase; and such title, lien or right shall, except as otherwise provided in this article, be the same as if the sale had been made or the certificate of purchase issued solely to pay or in payment of the valid tax, taxes, assessment or assessments; nor shall any such title, lien or right be vitiated or affected on account of errors in stating or extending the amount of any tax or special assessment, making the same too large or too small, as to any lot or tract of land in any book, certificate, receipt, deed, paper, notice or other document. [R. S. 1899, Sec. 5633].

SEC. 61. Comptroller may abate tax, when.—The comptroller may, at any time prior to the sale of any lot or tract of land or personal property, for delinquent taxes or special assessment, abate any particular tax or special assessment entered in any tax book, because the same has been paid, or for mistake in entering them against the wrong lot or tract, or in case of any personal tax against the wrong person, and correct any mistake as to the amount of any tax or special assessment so entered. He shall, in each case, make a permanent record of his action in making such abatements and corrections; and the auditor shall at once note such action on the proper land book and other proper rec-

ords of the city in such a way as to show clearly what has been done and when, but without altering or raising the prior entries of taxes and special assessments in the book or record. [R. S. 1899, Sec. 5634].

SEC. 62. Liberal construction to be given, when.—Each assessment, land tax book, personal tax book, notice, advertisement, book of sales, certificate of purchase, deed, paper and document of every nature and description made or executed under or pursuant to this article shall be liberally construed to affect the purposes and object of this article, and in determining the validity thereof. No error or irregularity in any assessment, land tax book or personal tax book, notice, advertisement, certificate of purchase, deed, paper or document aforesaid relating to the assessment, levy or collection of the taxes of the city shall in any manner affect or impair the validity of any tax or any sale or other proceedings for their collection. This article shall be taken and held a full and sufficient notice of all acts and proceedings for assessments, levying and collecting of the taxes and special assessments of such city. [R. S. 1899, Sec. 5635].

SEC. 63. Descriptions by reference, etc.—Any and all descriptions of real estate, acres, blocks, lots or any fractions or parts thereof, and any and all dates, years and valuations, taxations, taxes, interest, costs, penalties, numbers, quantities or amounts in any assessment, land tax book, personal tax book, advertisement, notice, book of sales, certificate of purchase, deed, paper or document of any nature or description, made or executed under or pursuant to this article, shall be sufficient and valid when made or stated, in whole or in part, in abbreviations or contractions of words, letters, characters or figures, as provided, and for purpose similar to those mentioned in "An act entitled an act concerning the assessment and collection of the revenue," approved March 30, 1872 [R. S. 1899, Sec. 9328], and when so made or stated shall be deemed and held to be fully and fairly made and stated, as though the same had been written out in full. In describing real estate for any purpose contemplated in this article, any lot or tract may be described, as far as practicable, by reference or according to any map or plat or record of the same, in the recorder's office of such county, on which the lot or tract may be shown or designated. Lots and tracts covered by or

shown on any such map or plat, or record thereof, shall, as far as practicable, be described consecutively in any assessment, land tax book, notice, advertisement and book of sales, and when the name or designation of any such map or plat, or call therefor, or the record thereof, in the way the same would be sufficiently or may be commonly known or called for in deeds of conveyance made by private persons of lands shown or designated on the map or plat, or record thereof, shall be inserted, wholly or partly across the space or part of any page of any assessment, land tax book, advertisement, notice or sale book made for description of real estate, such name or designation or call shall be deemed and taken to be part of the description of each lot or tract of land following on the same page, without repetition thereof in the description of each lot or tract, and to indicate that the lots or tracts so following are in the parcel of land covered by the map or plat or record thereof referred to or called for, until such a description is inserted as to indicate that it is of real estate not covered by the map or plat or record thereof so called for. Any and all descriptions of real estate in any assessment, land tax book, book of sales, advertisements, notice, certificates of purchase, receipts, deed, paper or documents of any nature or description made or executed under or pursuant to this article, when so made that the lot or tract intended may be identified or located, shall be deemed and held good, valid and complete, as though the same had been written out in full. [R. S. 1899, Sec. 5636]. (o)

SEC. 64. Penalty for official dereliction.—If any assessor, city clerk, city auditor, city collector or other officer shall fail to perform any duties imposed on him by this article, in the time herein prescribed, such officer shall forfeit and pay to such city, for such failure to perform such duty on the day required, the sum of twenty-five dollars, and for every day after the first day on which he shall so fail to perform such duty shall forfeit and pay to the city an additional sum of twenty-five dollars, to be recovered of him and his sureties, in an action on his official bond, in the name of the city; but such failure to do any act or make any return on any prescribed day shall in no manner affect the validity of such act if done afterwards. [R. S. 1899, Sec. 5637].

(o) Notice of sale not invalid because it fails to state the city or county in which property is situated: *Comfort v. Ballingal*, 134 Mo. 281.

SEC. 65. **Sale, when discontinued.**—When all the parcels of real property advertised for sale have been offered for sale, in accordance with the provisions of this article, and any portion thereof shall not be sold for want of bidders, it shall be the duty of the city collector to report such fact to the comptroller, who, if he deems it to the best interest of the city, may discontinue such sale, instead of having such sale adjourned as hereinbefore provided, and the action of such comptroller, in discontinuing such sale, shall not be called in question in any action to enforce the collection of delinquent taxes by suit, as hereinafter provided. [R. S. 1899, Sec. 5638].

SEC. 66. **Suits for taxes.**—When any sale of real estate shall be discontinued, as hereinbefore provided, or when any real estate has been bid off for the city, as before provided, and also in all cases when taxes have become delinquent before the passage of this article, suit may be brought in the name of such city to enforce the collection of such taxes, general or special, with interest, cost and penalties thereon in any court of competent jurisdiction. It shall be sufficient to state, in the petition or other statement of the cause of action in any such case, the amount of the tax, the rate of interest and date from which it is claimed, the property upon which it is a charge, the owner thereof, and the year or years for which the same is levied: or if a special tax, the date and title of the ordinance under which it is levied, and that such tax has not been paid. In suits for the collection of taxes on personal property it shall be sufficient to state the amount of tax, interest and costs, and penalty claimed, the year or years for which it was levied, the owner of the personal property, and that the tax has not been paid. [R. S. 1899, Sec. 5639].

SEC. 67. **What necessary to establish in tax suit—judgment—amount.**—In all suits for the collection of taxes on personal property by the city counselor it shall be sufficient to state the amount of tax, interest, costs and penalty claimed, the year or years for which it was levied, the name of the owner of the personal property, and that the tax has not been paid. The judgment, if for the plaintiff, shall be that plaintiff recover the amount found due, with interest and penalties, as now provided by law; also all costs of suit, and that the same is a first lien on the goods and chattels of such person, and none of the personal property of

such person shall be exempt from levy and sale to satisfy execution under said judgment. The judge of police court and justices of the peace shall have jurisdiction in all cases for the collection of personal taxes where the amount does not exceed three hundred dollars. [R. S. 1899, Sec. 5598].

SEC. 68. Who shall be made defendants.—It shall be sufficient to make those persons having an interest in the property at the commencement of the suit defendants, but those who are made defendants shall be bound, and a sale thereunder shall convey all the right, title and interest of such as are made defendants, though all persons who have an interest are not made defendants or parties thereto. The judgment for taxes, interest, costs and penalties thereon shall have priority over all other liens or incumbrances. [R. S. 1899, Sec. 5640].

SEC. 69. Judgment.—The judgment, if for plaintiff, shall be that plaintiff recover the amount found due and costs of suit, to be levied of the real estate against which the tax is charged. Such judgment shall bear the same rate of interest as did the tax at the date of the judgment, and execution shall issue on judgments in conformity therewith, and the sale under such judgment and execution issued thereon shall be absolute and free from any redemption. [R. S. 1899, Sec. 5641].

SEC. 70. General and special taxes may be included in one suit.—When there are general and special taxes, or more than one year's general tax due the city upon any parcel of property, they may all be included in one suit, and when taxes on more than one parcel of land owned by the same person or persons are due all such parcels may be included in one suit. Owners of undivided interests may be sued jointly or severally, and each, together with his interest, charged with the proper proportion of the tax, though such tax may have been assessed as a whole. When any parcel of land has been included in the assessment of a larger parcel or tract such smaller parcel shall be charged with its fair and just proportion of the tax, which shall be determined by the court. The owners of the whole of the larger parcels may be made defendants, and each parcel charged with a proper share of the tax, or the owners of any one or more of the smaller parcels may be sued separately. In all such cases the several taxes

and parcels of land may be set out in one cause of action, and judgment entered against each parcel for the tax, interest, cost and penalties found due thereon. [R. S. 1899, Sec. 5642].

SEC. 71. Courts having jurisdiction in suit for taxes.—The judge of the police court of such city shall have exclusive jurisdiction in all cases for the collection of taxes due the city when the amount does not exceed the sum of three hundred dollars (\$300.00) and the defendant has been served with summons, and judgment shall be as heretofore prescribed. No executions shall be issued by the judge of the police court, but upon filing the transcript of such judgment in the office of the clerk of the circuit court of such county at such city, such clerk shall record the same in the book kept for recording transcripts of judgments before justices of the peace, and shall also enter such judgment in the judgment docket of such court, and executions shall issue thereon in conformity with such transcript of judgment. In all such suits before the judge of police court the summons shall be directed to the chief of police and served by him or the police officer in the name of the chief of police. In cases of appeal by either party from the judgment rendered by said police court the appeal shall be to the circuit court of such county in which said city is situated, which circuit court shall have appellate jurisdiction thereof, as in cases appealed from justices of the peace. [Laws of 1905, page 75].

SEC. 72. Practice to be as in civil cases.—The proceedings in such suits for the collection of taxes shall, in all respects not herein provided for, conform as near as may be to the practice and procedure in civil cases, including the sale under executions and making deed to purchaser: Provided, that in advertising property for sale under such executions it shall not be necessary to publish such advertisement in more than one newspaper. [R. S. 1899, Sec. 5644].

SEC. 73. Tax books to be evidence.—The tax book and all other books and papers made or kept by the auditor, collector, assessor or other officers of the city, in any manner relating to any tax, shall be received in all courts as evidence of all the facts stated therein, and of the validity of the tax, costs, interest and penalty therein appearing, and a copy of so much of any of the

aforesaid books and papers as relates to the tax in question, certified to by the auditor or any other officer of said city having the same in charge shall be received in evidence in like manner and with like effect. [R. S. 1899, Sec. 5645].

Sec. 74. **Attorney's fee.**—An attorney fee of ten per centum on the amount of the judgment shall be taxed up as costs in every proceeding for the collection of delinquent taxes under this article. Such amount of ten per centum shall be taxed and collected as other costs in the case: Provided, that no such fee shall be paid till the judgment and other costs in the case are paid. [R. S. 1899, Sec. 5646].

Sec. 75. **Certain terms explained.**—The terms **real property**, **real estate** and **land**, where used in this article, shall include not only the land itself, but all buildings, fixtures, improvements, rights and privileges appertaining thereto. The term **personal property** shall include every tangible thing which is the subject of ownership, not forming a part or parcel of real property, and where used in this article in their general sense shall include all taxable property other than real property. The words **he**, **his** or **him**, when so used as to refer to a female, shall be held to mean **she**, **hers** or **her**, and when so used as to refer to more than one person, **they**, **their** or **them**, as the sense may require. The word **tax** or **taxes**, where used in this article, or any deed or paper made or executed under the provisions of this article, shall be held to mean all taxes, general or special, and special assessments, as the sense may seem to require. The word **person** shall be held to mean and include a firm, company or corporation, as the sense may seem to require. The term **tax book**, where used in this article without either of the qualifying words **personal** or **land**, shall be held to mean and include **personal tax book** and **land tax book**, as the sense may seem to require. The word **merchant** or **merchants**, where used in this article, shall be held to mean and include every person or copartnership of persons who shall deal in the selling of goods, wares and merchandise, including clocks, at any store, stand or place occupied for that purpose in such city. [R. S. 1899, Sec. 5647].

ARTICLE X.

INDEBTEDNESS—BONDS.

SECTION

1. Cities allowed to incur indebtedness.
2. Election to be held, notice.
3. Ballots, form of.
4. Bonds to issue, when, terms of.
5. Provisions of this article, scope of.
6. Indebtedness not to be incurred.
7. May issue bonds for improvements.
8. Ordinance therefor.
9. Certificate of circuit judge.
10. Notice of election.

SECTION

11. Form of ballot.
12. If adopted, certificate of circuit judge.
13. Form of bond.
14. Bonds to be signed and registered.
15. Sale of bonds.
16. Taxes to pay bonds.
17. Bonds to be numbered.
18. Bonded indebtedness, may be funded, proceedings necessary.
19. Form of ballot.
20. Duty of county court.

SECTION 1. **Cities allowed to incur indebtedness.**—The various cities, towns and villages in this state, whether organized by special charter or under the general laws of the state, may contract a debt or debts in excess of the annual income and revenue for any such year, for any purpose authorized in the charter of such city, town or village, or by any general law of the state, upon the assent of two-thirds of the legal voters of such city, town or village voting at an election held for that purpose: Provided, such indebtedness so to be contracted shall not, with the existing indebtedness of such city, town or village, exceed in the aggregate five per cent on the value of the taxable property therein, to be ascertained by the assessment next before the last assessment for state and county purposes previous to the incurring of such indebtedness: and provided further, that the proper authorities of every such city, town or village incurring such indebtedness shall, before or at the time of doing so, provide for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal thereof, within twenty years from the time of contracting same. [R. S. 1899, Sec. 6350]. (a)

(a) As to what constitutes indebtedness: *Saleno v. City of Neosho*, 127 Mo. 627; *Lamar W. and E. L. Co. v. City of Lamar*, 128 Mo. 223.

SEC. 2. **Election to be held, notice.**—For the purpose of testing the sense of the voters of any incorporated city, town or village upon a proposition to become indebted or to increase the debt thereof, as contemplated in the next preceding section, the council, trustees or other proper authority of such municipality shall order a special election to be held, of which they shall give not less than fifteen days previous notice, by publication in some newspaper published therein, or if there be no such newspaper, then by posting up ten written or printed hand bills in ten public places in such city, town or village. Such election shall be held and judges thereof appointed as in case of other elections in such municipalities. [R. S. 1899, Sec. 6351]. (b)

SEC. 3. **Ballots, form of.**—The council, trustees or other proper officers of such city, town or village shall prepare and cause to be printed ballots to be used at such election, which shall be in the following form: "For increase of debt—Yes;" "For increase of debt—No;" the former of which shall be taken as a vote assenting to such increase of debt, and the latter as dissenting therefrom. [R. S. 1899, Sec. 6352].

SEC. 4. **Bonds to issue, when, and terms of.**—Upon the result of such election being certified by the judges thereof to the council, trustees or other proper officials of such city, town or village, such council or trustees, if the proposition for the incurring or increasing of such debt be carried, may by proper ordinance declare such result and cause bonds of such city, town or village to be issued, covering the amount of such debt, payable to bearer, and in denominations of not less than \$100 nor more than \$1,000 each, payable in not less than five nor more than twenty years from the date thereof, at the option of such city, town or village, with interest from date not exceeding eight per cent per annum, payable semi-annually; which bonds shall have interest coupons attached to conform to the face of the bond. All such bonds shall be attested by the signature of the mayor or other chief officer of such city, town or village, and of the clerk thereof, and each bond shall have affixed thereto the corporate seal of such municipal corporation. Such bonds may be negotiated and sold,

(b) An election need not be ordered by ordinance; a resolution is sufficient for that purpose: State ex rel. Town of Canton et al. v. Allen, 178 Mo. 555.

but in no case shall they be sold for less than par. [Laws of 1901, page 83].

SEC. 5. Provisions of this article, scope of.—The provisions of the preceding four sections shall apply to all cities, towns and villages in this state, whether organized by special charter or under the general laws of the state, any provision in any special charter of any city, town or village in the state to the contrary notwithstanding. [R. S. 1899, Sec. 6354].

SEC. 6. Incurring indebtedness, limit.—No money shall be borrowed or indebtedness incurred for a longer period than one year on the faith and credit of any city of the second class by the issue and sale of bonds, except as in this article provided, and then only to an amount, including indebtedness of the city existing at the time of the issue of the bonds, in the aggregate not exceeding five per centum of the value of the taxable property in the city, to be ascertained by the assessment next before the last assessment for state and county purposes previous to the incurring of such indebtedness. [R. S. 1899, Sec. 5559].

SEC. 7. May issue bonds.—Any such city may, by ordinance passed by its common council and approved by its mayor, provide for the issue and sale of bonds of the city, either to borrow money thereon to pay for any public work, improvement or improvements for which it may legally appropriate and pay out money in its treasury, or to pay in whole or in part for any such work, improvement or improvements. The ordinance shall specify such public work, improvement or improvements so to be paid for in some reasonably definite manner to enlighten voters, and the amount of bonds, proposed to be issued for such public work, improvement or improvements. [R. S. 1899, Sec. 5560]. (c)

SEC. 8. Ordinance to contain, what.—Such ordinance shall provide that such bonds shall bear date to be deemed the date of issue thereof, which shall not be later than ninety days from the

(c) Propositions to the voters of a municipality for the issuance of bonds for the construction of a public building and for improvements in the waterworks and electric light plant cannot be submitted as one proposition, to be answered "yes" or "no;" and bonds issued pursuant to an election in which they were united in the same submission are invalid: *State ex rel. Bethany v. Allen*, 85 S. W. Rep. 531.

approval of the ordinance; also, that the bonds shall bear interest at a rate to be specified, not exceeding six per cent per annum, payable semi-annually on presentation and surrender of the coupons therewith; also, that the city shall collect an annual tax sufficient to pay the interest on such bonds as it falls due, and also to constitute a sinking fund for the payment of the principal thereof within twenty years from the time of issue thereof, pursuant to the constitution and laws of the state; also, the time at which the principal of the bonds shall be payable, not exceeding twenty years from issue, subject to payment of any or all thereof before that time out of the sinking fund constituted for that purpose, and also specify a day on which an election shall be held for the purpose of voting on the proposition to issue such bonds. [R. S. 1899, Sec. 5561]. (d)

Sec. 9. Ordinance referred to circuit judge.—After passage and approval of such ordinance, the city counselor and city comptroller shall present the same to a judge of the circuit court of the county in which the city is situate, and submit to him a sworn statement of the city comptroller, showing the then existing indebtedness of the city of every nature and description, and amount thereof, and what such indebtedness will be, as near as he can calculate, at the date of issue of the bonds. There shall also be submitted to such judge proof satisfactory to him of the value of the taxable property in the city, ascertained by the assessment next before the last assessment for state and county purposes. Such other proofs as the judge may require shall be submitted, and if, after full examination, he be satisfied that the amount of bonds proposed to be issued can be issued without violation of the constitution or laws of the state, he shall so certify over his hand on the back of the original ordinance. [R. S. 1899, Sec. 5562].

Sec. 10. Notice of election.—After such certificate the city shall cause to be published in two or more newspapers, printed and published in the city, for at least thirty successive days prior

(d) Provision that city shall collect an annual tax sufficient to pay the interest as it falls due and also to constitute a sinking fund for payment of principal within 20 years from the date of issue, is self-enforcing; and a levy of a tax for such purposes is mandatory, without a direct vote of the people on the levy itself: *Evans v. McFarland*, 85 S. W. Rep. 873.

to the time for election, in each issue of the papers during the time, a copy of such ordinance and certificate, with a proclamation according to law, that an election will be held at the time appointed in the ordinance for the voters of the city to vote on the proposition for the issue of bonds as proposed by the ordinance. [R. S. 1899, Sec. 5563].

SEC. 11. Election, form of ballot.—Any elector or voter desiring at such election to assent to the incurring of indebtedness by such issue of bonds, may cast a ballot having written or printed thereon, "for issue of bonds," but if he does not desire to assent to incurring indebtedness by such issue of bonds he may cast a ballot having written or printed thereon, "against issue of bonds." Such election shall be conducted, and the result ascertained and declared as near as may be, as in case of other special city elections, and the city may pass and enforce all ordinances proper to conduct the election and learn the sense of the voters as to the issue of bonds. [R. S. 1899, Sec. 5564].

SEC. 12. If adopted, certificate of circuit judge to be procured.—If two-thirds of the voters of the city voting at such election shall assent to the city becoming indebted by the issue of such bonds the city shall apply to the judge of the circuit court in which the city is situate, for a certificate that at the date of the issue of such bonds the city can legally become indebted for the amount of the bonds as proposed by the ordinance, and that the indebtedness incurred by such bonds, together with all other indebtedness of the city, of every nature and description, existing at the date of such issue, does not, in the aggregate, exceed five per centum on the value of the taxable property in the city, ascertained by the assessment next before the last assessment for state and county purposes previous to the incurring of such indebtedness by said bonds, issued according to the ordinance. Such certificate shall also state the aggregate amount of all indebtedness of the city of every nature and description, including such bonds at the date of such issue, and the amount of five per centum on such taxable property in the city, ascertained as aforesaid. Testimony, under oath, as to the indebtedness of the city shall be submitted to the judge, and such other proofs be also submitted as he may require, so that he may, on full investigation, make the required certificate if the facts warrant the same. Without such

certificate no bonds whatever shall be issued. Such certificate, when obtained, shall be indorsed on the original ordinance and be recorded therewith, and a copy thereof shall be printed on the back of each bond. [R. S. 1899, Sec. 5565].

SEC. 13. Bond, form of.—Each bond shall, on the face thereof, recite, among other things, that it is issued by the city, naming it, pursuant to the ordinance therefor, to be referred to by its title and date of approval, and with the assent of two-thirds of the voters of the city voting at an election held for that purpose on the day provided in such ordinance, to be mentioned in the bond as in the ordinance, to the city becoming indebted by the issue of such bonds: that the indebtedness of the city incurred by the bonds issued pursuant to such ordinance, together with all other indebtedness of the city of every nature and description, existing at the date of such issue, does not, in the aggregate, exceed five per centum of the value of the taxable property in the city, ascertained by the assessment next before the last assessment for state and county purposes, previous to the incurring of such indebtedness by said bonds, as stated in the certificate of the judge printed on the back of the bond; and shall also state that the city may, before maturity of the bonds, call for and pay the same out of the sinking fund constituted according to said ordinance and the constitution and laws of Missouri, for payment of all such bonds within twenty years from the issue thereof. Such bonds shall be for the payment of one thousand dollars each, and be made payable to some person or party or order, or merely to bearer. Each coupon shall contain a promise of the city to pay the sum specified therein, as six months' interest on the bond to which it is attached, designated by number and date. [R. S. 1899, Sec. 5566]. (e)

SEC. 14. Signing bonds—to be registered.—All such bonds shall be signed by the mayor of the city and countersigned by the city comptroller, with the seal of the city affixed thereto. Coupons may be signed by the city comptroller, or have his signature

- (e) The recital in a municipal bond "that all acts, conditions and things required by the constitution and laws of the state to be done precedent to and in the issuance of this bond have been properly done, in regular and due form, and time, as required by law and that the total indebtedness of the city including this bond does not exceed the constitutional limitation," is a mere self-serving narration, and estops no one to investigate its validity: *Evans v. McFarland*, 85 S. W. 873.

lithographed or engraved thereon. Such bonds shall, before they obtain validity, be presented to the state auditor and registered by him according to article 2 of chapter 83 of the Revised Statutes of the state of Missouri of 1899, or any other general law of the state as to registration of bonds in force at the time of such issue. [R. S. 1899, Sec. 5567].

SEC. 15. Sale of bonds—disposition of proceeds.—No such bond shall be sold or disposed of by the city for less than the par value thereof, and all coupons matured at the time of any sale or disposition shall be canceled. The money borrowed on any such bonds, or the bonds themselves, shall be used only to pay for the public work, improvement or improvements specified in the ordinance providing for the issue thereof. The city comptroller shall be charged with the duty of regulating and controlling the use of such money and bonds, and no money so borrowed shall be paid or bonds delivered without his warrant or order. Money so borrowed and bonds so issued, until disposed of as aforesaid, shall remain in the treasury of the city, and the city treasurer, and the sureties of his official bond, shall be liable therefor. When it is proposed to pay for any public work or improvement or improvements mentioned in the ordinance for issue of such bonds, with the bonds themselves instead of money, the bonds shall count as means standing to the credit of the proper fund or revenue account for the purpose of the comptroller certifying that unappropriated means stand to the credit of any fund or revenue account mentioned in any ordinance appropriating such bonds for the purposes aforesaid, to meet the requirements of any ordinance appropriating the same. Subject to provisions hereof the city may, by ordinance, provide for the disposition of the bonds and use thereof, or of money borrowed thereon, and the safe keeping of bonds and money until properly used. [R. S. 1899, Sec. 5568].

SEC. 16. Tax levy for interest fund—payment of bonds.—The city issuing any such bonds shall each year levy and collect an annual tax sufficient to pay the interest on such bonds as it falls due, and also to constitute a sinking fund for the payment of the principal of the bonds within twenty years from the time of issue thereof. The per centum of levy for such purpose, determined by the city comptroller, shall be stated in the ordinance

for levy of taxes each year, and the money realized by collection of such tax shall be used only for the purpose of paying the interest and principal of the bonds. The money collected from such taxes, not used from time to time to pay interest coupons, shall constitute a sinking fund for paying the principal of the bonds. Whenever, in the opinion of the city comptroller, there is sufficient money belonging to the sinking fund to make it to the interest of the city to pay, take up and cancel one or more of such bonds, he shall proceed to do so out of such sinking fund. If a sufficient amount of bonds are not voluntarily offered for redemption the city comptroller shall, in such manner as he may see fit, determine, by lot, which bond or bonds of those outstanding shall be redeemed, such determination to be conclusive against the holder or holders of all such outstanding bonds, and make a call for return of the bond or bonds to be redeemed to the city for the payment and cancellation, by making an actual demand by letter or otherwise on the holder or holders thereof, if known to him, but if not known to him, by publication of notice for ten days in at least one newspaper printed and published in the city, and in at least one newspaper printed and published in the City of New York, or place where such bonds are made payable. Such demand or notice shall specify the numbers of the bonds called for, and after such call, interest on such bonds so called shall cease with the maturity of the coupon on each called bond maturing next after such call, and all coupons on each bond so called subsequently maturing shall be surrendered with the bond to the city on payment of the principal of such bond, such payment to be made on presentation of the bond and coupons therewith, at the place of payment specified on the face of the bond, or if, for any reason, that is not practicable, then at the treasury of the city. The comptroller shall, in providing for payment of the last coupon payable on any called bonds, take such steps as he may deem reasonable to give holders of the bonds called for actual notice of the call at the time of paying such coupon or coupons. [R. S. 1899, Sec. 5569].

SEC. 17. Bonds to be numbered.—Bonds issued pursuant to any such ordinance shall be numbered consecutively from one up, and be designated in a series of a certain number, or in some other way convenient for keeping accounts and performing the duties enjoined by this article. [R. S. 1899, Sec. 5570].

SEC. 18. **Bonded indebtedness of cities, towns, villages and school districts may be funded—proceedings necessary.** The various counties in this state for themselves, as well as in behalf of any township or parts of townships for which said counties may have heretofore issued any bonds, and the several cities, villages, incorporated towns and school districts are hereby authorized by their respective county courts, and said cities, villages and incorporated towns by their proper authorities, and the said school districts by their respective school boards, to fund any part or all of their bonded or judgment indebtedness, including bonds, coupons or any judgment, whether based on bonded or other indebtedness at a lower rate of interest, and for that purpose may make, issue, negotiate, sell and deliver renewal or funding bonds and with the proceeds thereof pay off, redeem and cancel such judgments, or old bonds as the same are called for redemption: Provided, that said funding bonds shall not be sold for less than par value thereof, and that in no case shall the amount of the debt of any such county, township, or parts of townships, or city, village, incorporated town or school district, nor the rate of interest on such debt, be increased or enlarged under the provisions of this article: and provided, also, that no funding bonds issued under this article shall be payable in less than five nor more than thirty years from date thereof, and that such funding bonds shall be of the denomination of not more than one thousand dollars (\$1,000), nor less than one hundred dollars (\$100), and shall bear interest not to exceed five per cent. (5%) per annum, payable annually or semi-annually, and to this end each bond shall have annexed interest coupons, and the funding bonds and coupons shall be made payable to bearer: Provided, further, that nothing in this act shall be so construed as prohibiting any county, city, township or school district that now has or may hereafter have a bonded or judgment debt (except as hereinafter provided), from funding or refunding such debt without the submission of the question to a popular vote whenever such funding or refunding can be done at a lower rate of interest than the debts so funded or refunded bore: Provided, however, that no indebtedness, judgment or claim founded on bonds or coupons issued in the aid of or in payment for the capital stock of any railroad company shall be funded, nor shall any bonds be issued in lieu thereof or in compromise therefor until authorized by a majority of the qualified voters of such county, city, township or parts of townships

voting at an election held for that purpose pursuant to an order entered of record by the county court of such county or council or aldermen of such city on petition of at least fifty (50) of the resident taxpayers of such county, city or township, after public notice by advertisement in some weekly newspaper printed and published in such county or city, if there be such paper, and if not then in such paper nearest to such county or city, setting forth the object of the election for four weeks, and in addition posting up ten written or printed hand bills, in public places in such county or city, before the time for such proposition to fund its said indebtedness shall be voted on, which said notice shall contain the object and general nature of the proposition to fund said indebtedness. The election herein provided for shall be held in conformity with the statutes of the state covering state, county or municipal elections. And when such indebtedness has been once compromised and funded the funding bonds issued in lieu thereof may again be refunded according to the other provisions of this article without such election. [Laws of 1901, page 52].

SEC. 19. **Form of ballot.**—When the proposition to fund any part or all of the bonded indebtedness of any county, city, township or parts of townships shall require the assent of the voters thereto, and said proposition shall be submitted to the qualified voters of such county, city, township or parts of townships, those who favor the proposition to fund such indebtedness may at any election held aforesaid deposit a written or printed ballot in this form: "To fund bonded indebtedness—Yes;" and those of the qualified voters at such election who oppose the proposition to fund such indebtedness may deposit a written or printed ballot in this form: "To fund bonded indebtedness—No;" and the votes of such proposition shall be taken and their returns thereof made and canvassed in all respects as is or may be provided by law for the election and return of state, county, city or township officers. [Laws of 1901, page 53].

SEC. 20. **Duty of county court.**—If at the election aforesaid a majority of the qualified voters of such county, city, township or parts of townships voting at such election shall vote in favor of funding any part or all of such indebtedness, then the county

court of such county, or by the authorities of such city, township or townships shall be fully authorized and empowered to proceed at once to fund any part or all of its indebtedness in conformity with the provisions of this article, and for that purpose may employ a financial agent to assist them. [Laws of 1901, page 53].

ARTICLE XI.

CONDEMNATION OF PRIVATE PROPERTY FOR PUBLIC USE.

SECTION

1. City counselor to file petition.
2. Notice of filing petition.
3. Appointment of commissioners.
4. Duties of commissioners.
5. Return of assessment.
6. Exceptions to report of commission.
7. Costs of proceedings, by whom paid.

SECTION

8. Report of commission to council.
9. Appropriation to pay damages.
10. Damages to be paid into court, when.
11. Council to pass ordinance in certain cases.

SEC. 1. **City counselor to file petition.**—Whenever the common council in any city of the second class shall provide by ordinance for establishing, opening, widening or altering any street, avenue, alley, market place or public square, or route for a sewer, and it becomes necessary for that purpose to appropriate private property, and shall, in said ordinance, define the limits within which private property shall be assessed to pay for said improvement, the city counselor, in the name of such city, shall apply to the circuit court of the judicial circuit where such city is located, or to any one of the judges in vacation, by petition, setting forth the general nature of the improvements proposed to be made, the names of the owners of the several lots or parcels of land, if known, or, if unknown, a correct description of the parcels whose owners are unknown, and praying the appointment of three disinterested commissioners, free holders of property in said city, to assess the damages which said owners may severally sustain by reason of the appropriation and condemnation of such real estate by the city for any of the purposes aforesaid, and to assess the property especially benefited by said improvement within said limits to pay therefor, to which petition the owners of all such lots or parcels of land embraced in the proposed improvement shall be made parties defendant by name, if the names be known, and by description of the land of unknown owners. If the proceedings seek to affect lands of persons under guardianship, the guardians must be made parties defendant; if the lands of married women, their husbands must be made

parties defendant. If the possessor of land to be affected has an estate less than a fee, the person having the next vested estate in remainder or reversion must, if known, be made a party defendant. It shall not be necessary to make any person parties defendant in respect to their ownership unless they are in actual possession of the premises to be affected, or have a title to the premises appearing of record upon the proper record of the county. [R. S. 1899, Sec. 5648]. (a)

SEC. 2. Notice of filing petition.—Upon the filing of the petition a summons shall be issued giving such defendants at least ten (10) days' notice of the time when the said petition will be heard, which summons, if served within the city, shall be served by the chief of police, or by some officer in the name of said chief of police, either of whom shall for such purpose be ex officio an officer of the circuit court, or if served without the city, and within the state, such summons shall be served by the sheriff of the county where the defendant may be found, the service of such summons to be made in the same manner as writs of summons are or may be by law required to be served. If the name or residence of the owner be unknown, or if the owner or any of them do not reside within the state, notice of the time of the hearing of the petition, reciting the substance of the petition and the date fixed for the hearing thereon shall be given by publication for four (4) weeks consecutively, prior to the time of hearing the petition, in the newspaper for the time doing the city printing. (Laws of 1905, page 74]. (b)

SEC. 3. Appointment of commissioners.—The court, or a judge thereof in vacation, on being satisfied that due notice of the pending of the petition has been given, shall appoint three disinterested commissioners, freeholders of property in said city, and residents of the city for three years next preceding their appointment, to assess the damages which the owners of the land may severally sustain by reason of such appropriation, and to assess the

(a) Necessity and expediency of condemnation of land is determined by city. Whether such taking is for a public use, is a judicial question: *Cape Girardeau v. Houck*, 129 Mo. 607; *The City of Kansas v. Baird*, 98 Mo. 215.

See generally, *Kansas City v. Bacon*, 147 Mo. 259.

(b) The summons may be made returnable by the judge of the court in vacation, and is not void because not made returnable at the beginning of the next term: *City of St. Joseph v. Truckenmiller*, 183 Mo. 9.

property especially benefited by said improvement within said limits to pay therefor. [R. S. 1899, Sec. 5650].

Sec. 4. Duties of commissioners.—It shall be the duty of the commissioners to ascertain the actual value of the land and premises proposed to be taken, without reference to the projected improvement and the actual damage done to the property thereby, and for the payment of such values and damages to assess against the city the amount of benefit to the public generally, and the balance against the owner or owners of all property within said limits which shall be especially benefited by the proposed improvement, in the opinion of the commissioners, to the amount that each lot of said owner shall be benefited by the improvement. The sums to be paid by the owners of property especially benefited by the improvement, as ascertained by the commissioners, shall be a lien upon the property so charged, and shall be collected as provided by ordinance, and when collected shall be paid into the city treasury as a separate fund, to be used exclusively for the payment of the damages awarded: Provided, however, that in the opening of an alley the benefits shall be paid by the owners of the property in said block abutting on the proposed alley. [R. S. 1899, Sec. 5651]. (c)

Sec. 5. Return of assessment.—When the commissioners shall have viewed the property and assessed the value and damages and benefits they shall make their return of such assessment in writing and under oath to the circuit court, or clerk in vacation, which shall be filed by the said clerk. In making such re-

(c) Assessment of only one dollar against city not unjust discrimination: *Kansas City v. Smart*, 128 Mo. 272; *Kansas City v. Bacon*, 157 Mo. 450. It cannot be declared as a matter of law that a benefit assessment of \$2.00 per front foot against a lot adjoining the park, and one of \$50 per front foot against a lot a mile away is such inequality as to make the whole assessment unlawful: *Kansas City v. Bacon*, 157 Mo. 450.

Where a city, after commencing proceedings to condemn land, chooses to abandon them, the owner is not entitled to damages; it is entirely discretionary with the city whether it will pay the damages assessed and take the property or abandon it altogether: *Sylvester v. St. Louis*, 164 Mo. 601.

The owner may have an action for damages for any wrongful and injurious acts done by the municipality in the course of the condemnation proceedings: *Sylvester v. St. Louis*, 164 Mo. 601; *Owen v. Springfield*, 83 App. 557; *St. Louis Brewing Ass'n. v. St. Louis*, 168 Mo. 37.

port the value and damages allowed to each owner and the benefits assessed against each individual shall be separately stated. [R. S. 1899, Sec. 5652]. (d)

SEC. 6. Exceptions to report of commissioners.—The report of said commissioners may be reviewed by the circuit court, or judge thereof in vacation, on written exceptions filed by either party in the clerk's office within ten days after the filing of such report, and he shall make such order therein as right and justice may require, and may order a new appraisement on good cause shown: but the hearing of such exceptions shall be summary, and the court shall fix a day therefor without delay, upon the filing of any such exceptions, or within ten days after the expiration of the time given said city to report the same to the common council as hereinafter provided. [R. S. 1899, Sec. 5653].

SEC. 7. Costs of proceedings, by whom paid.—The cost of the proceedings up to and including the filing of the report of the commissioners shall be paid by the city, and as to any cost caused by subsequent litigation the cost shall be paid by the losing party. The commissioners may be allowed a reasonable compensation for their services, to be fixed by the common council by ordinance. [R. S. 1899, Sec. 5654].

SEC. 8. Report of commission to council.—Upon the report of said commissioners being filed in the circuit court, or with the clerk thereof, the court shall give to such city, upon application of the city counselor, reasonable time to report the result of the same to the common council for its information and approval, during which time no action will be had in or by said court upon said report: and such city shall have the right, at any time before the final confirmation of said report, to dismiss and withdraw said proceedings on payment of costs thereof: should the city dismiss or withdraw any proceedings for condemnation after the report of the commissioners has been filed no action for such condemnation shall be had for a period of three years next thereafter, unless upon the petition of the owners of three-fourths of the property fronting on the line of the proposed improvement,

(d) Owners cannot consent to give their land on condition of exemption from assessments: *City of St. Louis v. Meier*, 77 Mo. 13; *Vrana v. City of St. Louis*, 164 Mo. 146.

or upon payment by the city of the entire value and damages such as aforesaid. [R. S. 1899, Sec. 5655].

SEC. 9. Appropriation to pay damages.—When the report of the commissioners shall have been approved, or final action taken thereon by the court, the clerk of the circuit court shall make a certified copy of the report and the final action of the court thereon, and deliver the same to the city clerk, who shall forthwith record the same in a book to be provided for the purpose. It shall be the duty of the clerk, as soon as the same is recorded, to furnish a copy thereof to the common council, and the common council shall, at its first session thereafter, make an appropriation for the payment out of the city treasury of the amount awarded against said city, or the total amounts awarded, as the council may deem advisable, and the city treasurer shall cause the same to be paid to the parties entitled thereto, respectively, or into court for their use, as provided by ordinance. Any failure of the common council, within the time above stated, to make such appropriation, shall operate as a dismissal of such proceedings, and no future action for such condemnation shall be commenced for a period of five years, except as hereinbefore provided in case of dismissal by the city. [R. S. 1899, Sec. 5656]. (e)

SEC. 10. Damages to be paid into court, when.—If the ownership of property condemned be in controversy the amount of the damages assessed for said property shall be paid into the court for the use of the successful claimant of the property: Provided, however, that as soon as the damages assessed shall have been paid or tendered to the parties entitled thereto, respectively, the improvement may be proceeded with. [R. S. 1899, Sec. 5657].

SEC. 11. Council to pass ordinances in certain cases.—When it becomes necessary for the city to condemn private property for other and different public uses than those already specified in this

(e) Although the statute requires the city council to appropriate the damages and costs at the first session after the city clerk reports to it the judgment of the court in a condemnation proceeding, an appropriation made at any one of seven meetings of that session is a compliance with the statute in that regard: *St. Joseph v. Truckenmiller*, 183 Mo. 9.

act the common council shall pass an ordinance to that effect, which shall set forth the purposes for which said property is required, and to which it shall be especially dedicated. The value and damages of said property shall be ascertained in the same manner as directed in this act in the case of opening streets, and the same shall be paid by the city to the owner or owners of said property. [R. S. 1899, Sec. 5658].

ARTICLE XII.

CHANGE OF ESTABLISHED GRADE—GRADING STREETS.

SECTION

1. No street or alley to be graded, except when.
2. Ordinance to prescribe beneficiary limits.
3. Ordinance to be published.
4. Plat to be furnished mayor.
5. Proceedings, by whom heard.
6. Notice of time for assessing damages, etc.
7. Appointment of commissioners.
8. Duties of commissioners, verdict, what to contain.
9. Verdict may be set aside, etc.

SECTION

10. Judgment, proceedings to enforce.
11. Appeals, when taken, etc.
12. Proceedings to conform to practice in civil cases.
13. Grading may be commenced, when.
14. Proceedings exclude other remedies, etc.
15. Ordinances may be repealed, effect.
16. Treasurer to receive and receipt for benefit assessments.

SECTION 1. No street or alley to be graded, except when.—No street, alley or other public place in any city of the second class shall be graded so as to change the existing grade thereof unless the property owners to be affected thereby petition therefor and waive all claim to damages on account thereof, or unless such damages shall be first ascertained and paid as hereinafter provided, and any special tax bills issued for grading in violation of this law shall be void. [Laws of 1903, page 74].

SEC. 2. Ordinance to prescribe beneficiary limits.—When any ordinance shall be passed ordering the grading or regrading of any street, avenue, alley or any part thereof to such changed grade the common council shall, in the same ordinance, determine and prescribe the limits within which private property is benefited by the proposed grading to the grade so changed. [R. S. 1899, Sec. 5666].

SEC. 3. Ordinance to be published.—The city clerk or the mayor shall, at the cost of the city, cause to be published a copy of said ordinance within twenty days from the taking effect of the same, in some newspaper printed and published in the city, in each issue of such paper for ten successive issues. [R. S. 1899, Sec. 5667].

SEC. 4. Plat to be furnished mayor. -Within thirty days after the passage of the ordinance the city engineer, or if there be none, the county surveyor, shall furnish the mayor or city clerk a map or plat containing a correct description of the several lots or parcels of private property in the benefit limits prescribed in said ordinance. [R. S. 1899, Sec. 5668].

SEC. 5. Proceedings, by whom heard.—The proceedings hereinafter provided for may be heard by the circuit court in term time, or by a judge thereof in vacation, and a complete record thereof shall be kept in either case. [R. S. 1899, Sec. 5669].

SEC. 6. Notice of time for assessing damages, etc. -When the mayor or other city officer shall file a certified copy of said ordinance in the circuit court or with the clerk thereof, such court or judge thereof shall fix a day and place for assessing the damages and benefits to arise from the proposed grading, and shall make an order reciting the ordinance, and said order shall be directed to all persons whom it may concern, without naming them, notifying them of the place and the day fixed for the ascertaining of damages and benefits to arise from such grading. A copy of such order shall be published in each issue of some newspaper of general circulation printed and published in the city for two successive weeks, the last insertion to be not more than one week prior to the date so fixed for said hearing; said cause may be continued or postponed from time to time. No notice of said proceedings shall be necessary except as herein provided, and proof of publication of such order may be made by the affidavit of any editor or person connected with the newspaper. On or before the day set for the hearing any person claiming damages by reason of the proposed grading may file or cause to be filed with the clerk of said court a description of the property claimed to be damaged, and the interest of the claimant therein. The clerk shall note the filing of every such claim as a part of the record in said cause. [R. S. 1899, Sec. 5670].

SEC. 7. Appointment of commissioners.—On the day set for the hearing, if the copy of the order has been duly published as herein required, the judge or court shall appoint and cause to be impaneled a board of six commissioners, who shall be disinter-

ested freeholders, and allowed the same fees as jurors are allowed for their services. [R. S. 1899, Sec. 5671].

SEC. 8. Duties of Commissioners—verdict, what to contain.—

The commissioners provided for in the preceding section shall be sworn to ascertain and report the actual damages or just compensation to be paid in each case separately, as well as the benefits to be assessed under such instructions as shall, after hearing the parties, be given them by the judge or court. Parties interested may submit proof to the commissioners, and said commissioners shall examine, personally, each piece of property described on such map or plat, and all property claimed to be damaged by such proposed grading. The commissioners shall ascertain and state in their report or verdict: First, the amount of actual damages to each piece of private property that will be damaged by reason of the proposed grading, having due regard to and making just allowance for all benefits to such piece of property from such grading, and when the damages to any piece of property do not exceed the benefits thereto from the proposed improvement the commissioners shall not report any allowance of damage to such piece; second, if the commissioners shall find that private property is actually damaged by reason of proposed improvement, to pay the total amount of such damages allowed, they shall first assess against the city such sum as is equal to the amount of benefit that the city at large will receive from the proposed improvement, and the balance of the sum so awarded as damages, and not assessed against the city, the commissioners shall assess against private property, within the benefit limits prescribed in the ordinance, but excluding from such assessment any piece of private property to which damages are awarded on account of the proposed improvement, and no piece of private property shall be assessed with benefits in any amount in excess of the actual benefits which the same will receive by reason of the proposed improvement. If the commissioners cannot agree the judge or court may discharge them, and may proceed to impanel another board, but the order to impanel a new board of commissioners must be made on the day of discharging any board of commissioners, and must name the time and place for impaneling a new board. [R. S. 1899, Sec. 5672].

SEC. 9. **Verdict may be set aside, etc.**—The verdict of the board of commissioners shall be signed by each commissioner and delivered to the judge or court on the day fixed for such report at the hearing of the matter, unless said commissioners are granted further time by the judge or court: said report or verdict shall contain a correct description of each lot or parcel of property damaged, the names of the claimants and the amount of damages thereto: also the amount of benefit assessed against the city, together with a correct description of each lot or parcel of private property assessed with benefit, and the amount assessed against the same. The city engineer, or if there be none, then the surveyor of the county, shall, when requested by the judge, put the verdict or report in proper form. The judge may, on his own motion or on the motion of the city, or any party interested in the proceeding, for good cause, set aside the verdict or report of any board of commissioners, and thereupon appoint a new board to perform the duties in this article prescribed, and fix a time and place for impaneling another board and a rehearing of the whole matter. The court costs up to and including the judgment and the costs of publishing notice herein required shall be paid by the city. [R. S. 1899, Sec. 5673]. °

SEC. 10. **Judgment, proceedings to enforce.**—The verdict or report shall, unless set aside, be confirmed and judgment entered thereon, that the city pay the damages assessed therein, and that the city recover the respective amounts assessed against private property, and that the several lots or parcels of private property so assessed to pay compensation by the verdict or report stand severally charged and be bound for the payment of the respective assessments: also the interest and costs that may accrue thereon. Such judgment may be enforced by a special execution if the same is not paid, or as to the portion not paid. The judgment as to benefits assessed against private property shall bear interest at the rate of ten per cent per annum, unless appealed from, but in case of appeal interest shall be charged only from date of affirmance of the judgment or dismissal of the appeal in the appellate court. The execution herein authorized shall be deemed sufficient if it recites the date of the judgment, the amount assessed against each tract described therein, and states that such tract or tracts were assessed to pay compensation for damage to private property for grading of a street, alley or part thereof.

as the case may be, giving the title and date of the approval of the ordinance ordering such grading, and command the officer to whom such execution is directed to sell each tract or parcel of property therein described, or so much thereof as may be necessary to satisfy the assessment and interest and costs due thereon. [R. S. 1899, Sec. 5674].

SEC. 11. Appeals, when taken, etc.—Any party aggrieved by the judgment may take an appeal therefrom by filing such an affidavit as is required in appealing civil cases. However, such appeal shall be perfected within thirty days from the delivery of the verdict or report. In case of appeal the judgment shall stand suspended until the appeal is disposed of. No writ of error shall be allowed. The clerk of the appellate court shall put such case upon the docket for hearing at the next term of that court after the appeal is allowed. No error or defect not affecting the rights of the appellant shall work a reversal of the judgment. [R. S. 1899, Sec. 5675].

SEC. 12. Proceedings to conform to practice in civil cases.—The proceedings herein shall, in all respects not herein provided for, conform as near as may be to the practice and procedure in civil cases, including the sale under execution and the making of deeds to purchasers. [R. S. 1899, Sec. 5676].

SEC. 13. Grading may be commenced, when.—If the verdict or report of the commissioners shall declare that no damage will result to private property from the proposed grading, or if damages assessed by such verdict or report shall be paid to the owners or into court for them the city authorities may proceed to cause the grading to be done according to the ordinance. Payment to the clerk of the court shall be deemed a payment into court of any damages assessed. When damages are assessed to any piece or parcel of private property and paid into court the right to such damages, if there be more than one claimant, may be determined by the court on motion of any party claiming an interest therein, but the costs resulting from such motion shall not be assessed against the city. [R. S. 1899, Sec. 5677].

SEC. 14. Proceedings exclude other remedies, etc.—The proceedings here prescribed for ascertaining damages or compen-

sation to private property from grading of streets, avenues, alleys or parts thereof, shall be taken and held by the courts as excluding every other method and remedy for such ascertainment. Any person failing to receive an award of damages in the proceedings herein authorized shall be held concluded by the verdict or report of the commissioners and the judgment thereon. And such verdict or report shall, in every other proceeding, legal or equitable, be taken and held as conclusive as to what property will be damaged and benefited, or either, and the extent thereof, by the proposed grading, subject to review only as herein allowed. [R. S. 1899, Sec. 5678].

SEC. 15. **Ordinance may be repealed, effect.**—The common council shall have power at any time within six months after the conclusion of said proceeding to repeal the ordinance ordering the proposed grading, if they deem such repeal to the best interests of the city, and in such event the judgment for damages and benefits shall become void, and the city shall return the amount of benefit of assessments paid, if any, to the person who paid the same. [R. S. 1899, Sec. 5679].

SEC. 16. **Treasurer or collector to receive or receipt for benefit assessments.**—It shall be the duty of the city treasurer or collector to receive the benefit assessments on private property at any time after the conclusion of the proceeding before the issuance of execution; and he shall give triplicate receipts therefor, one of which shall be filed with the city auditor and one with the comptroller of the city. It shall be the further duty of the treasurer or collector to acknowledge satisfaction of any such assessment paid to him on the margin of the judgment record. [R. S. 1899, Sec. 5680].

ARTICLE XIII.

GRADING AND PAVING STREETS.

SECTION

1. Grading and paving of streets, etc.
2. Cost, how apportioned.
3. Property to be charged with costs.
4. Tax bill to be lien on property.
5. Tax bill against railroad right of way.
6. Lien of contractor; how enforced.

SECTION

7. Judgment a lien on property of railroad company.
8. Sidewalks.
9. What costs paid out of revenue.
10. Council to prescribe width of sidewalks, etc.
11. Proceedings on petition for improvements.
12. Contractors to give bond.

SECTION 1. Of the grading of streets, etc.—The common council shall have power to cause to be graded, constructed, reconstructed, paved or otherwise improved and repaired all streets, sidewalks, alleys and public highways or parts thereof, within the city, at such time and to such extent, and of such dimensions, and with such materials, and in such manner and under such regulations as shall be provided by ordinance; and all ordinances and contracts for such work shall specify how the work shall be paid for; and in case payment is to be made by special tax bills the city shall in no event, nor in any manner whatever, be liable for or on account of work, except as is otherwise provided for in the following section: Provided, that in no case shall a petition be necessary to authorize the common council to cause to be graded, constructed, reconstructed, paved or otherwise improved and repaired any street, sidewalk, alley or public highway, or parts thereof within the city: but it may cause such work to be done, and such improvements to be made whenever it may deem the same necessary. Provided, however, that in all cases where a majority of the resident real estate owners in front feet, on such street, avenue, alley or public highway, or the part thereof proposed to be graded, constructed, reconstructed, paved or macadamized shall petition the common council to have such street, avenue, alley or public highway graded, constructed, reconstructed, paved or macadamized the same shall be ordered done: Provided, that whenever an ordinance is introduced providing for the doing of any such work and the making of any such improv-

ments according to the provisions of this section without the same being petitioned for by the real estate owners as aforesaid, the ordinance authorizing and ordering the work to be done and the improvements to be made, and every amendment thereto, shall not be finally voted upon and passed by the common council until such ordinance shall have been first published for five consecutive days in the newspaper at the time doing the city printing, and before the passage of such ordinance, the common council shall hear and determine all objections, if any there be, to such ordinance. If the common council shall find and declare by ordinance that the ordinance authorizing such work to be done and improvements to be made has been published for the time and in the manner herein required, such finding and recitations shall be conclusive upon all parties concerned, and no tax bill shall be held invalid on account of the insufficiency of such ordinances and notice. [R. S. 1899, Sec. 5661]. (a)

SEC. 2. Cost, how apportioned.—The cost of all the work mentioned in the last section, except as otherwise provided in this article, shall be apportioned as follows, namely: The cost of all work on any sidewalk, including curbing and guttering alongside thereof, and of all work on any alley, shall be charged as a special tax upon the adjoining land, according to the frontage thereof on the sidewalk or alley. The cost of all work on streets, avenues and highways, or any part thereof, except as hereinafter provided, shall be charged as a special tax on lands on both sides of and adjoining the street, avenue or highway, or part thereof, except, however, that the cost of grading any street, avenue or highway, exclusive of grading the sidewalks thereto, shall be charged as a special tax on all the property on both sides of such street, avenue or highway; or part thereof, graded within the following limits, namely: In case any of the land fronting on the street, avenue or

(a) City liable for grading street to the damage of abutting property: *Werth v. City of Springfield*, 78 Mo. 107; *Sheehy v. Cable R. Co.*, 94 Mo. 75; *Gibson v. Owens*, 115 Mo. 258; *Hickman v. Kansas City*, 120 Mo. 110; *Smith v. St. Joseph*, 122 Mo. 643.

Liability for damages for change of an established grade does not extend to improvements put on the lot after the grade is established, but is confined to damage done the lot independent of such improvements: *Clinkenbeard v. City of St. Joseph*, 122 Mo. 641.

City not liable for damages caused by change of grade, unless the change was directed by an ordinance passed by the council and approved by the mayor: *Stuebner v. St. Joseph*, 81 App. 273; *Hall v. City of Trenton*, 86 App. 326; *Koeppen v. Sedalia*, 89 App. 648.

highway, or part thereof, graded, be laid off into lots and blocks, the property so laid off from the line of the street, avenue or highway, back to the center line of block or blocks, shall be so charged, whether fronting on the street, avenue or highway or not; nevertheless, the common council shall have power, by ordinance, to prescribe that such property shall not be charged beyond the alleys in such blocks, if deemed just and equitable; and in case any land fronting on such street, avenue or highway, or part thereof, graded, be not laid off into lots and blocks, then the property not so laid off and the property in the rear thereof, on the line of the street, avenue or highway, or part thereof, graded back one hundred and fifty feet, shall be so charged, whether fronting on the street or not; and property liable for such grading shall be charged according to the value thereof, exclusive of improvements thereof, as provided in the next succeeding section; and in case of question on the part of the assessor or engineer as to whether any lands fronting on the street, avenue or highway, or part thereof, be laid off in lots and blocks or not, within the meaning of this section, the common council shall, on its own motion, deeming that such question exists, may, by ordinance, for the guidance of the assessor or engineer in making out special tax bills, and charging the property to that end, determine whether or not any particular land or lands fronting on the street, avenue or highway, or part thereof, graded, be or not laid off into lots and blocks within the meaning of this section, and such determination shall be conclusive on all parties interested for all purposes; and the cost of all work mentioned in the last section done on spaces fronting on any street, avenue, highway or alley shall be deemed part of the cost of the work done on other spaces under the same ordinance and contract, and be charged and paid accordingly: Provided, the owner of any lot or parcel of ground fronting on such street shall, within ten days after the letting of the contract for such work, notify the city engineer, in writing, that he desires to pay for such work in five annual payments, then the city engineer shall make out five separate special tax bills, each for one-fifth part of the cost of such work, bearing interest as aforesaid, which rate shall be fixed in each case by ordinance—each payment to bear not to exceed ten per cent interest from date of issue to date of payment, which rate shall be fixed by ordinance—said interest payable semi-annually on the first days of February and July of each year at the office of the city treasurer;

and if default is made in payment of interest due on either of said days, then the principal and interest due on such special tax bills shall become then and there due and payable, and may be collected as provided in section 5664. [R. S. 1899, Sec. 5662]. (b)

SEC. 3. Property to be charged with costs.—After a contract has been made for the grading of any street, avenue or highway, or part thereof, exclusive of grading the sidewalks thereon, the common council shall, by ordinance, cause an assessment to be made of the value of all the property to be charged with the cost thereof, exclusive of the improvements thereon, by the city assessor, which assessment shall be delivered to the city engineer, and when such grading shall be completed the city engineer shall compute the cost thereof, and apportion such cost among the several lots or parcels of property to be charged therewith, according to the value thereof fixed by the city assessor as aforesaid, and charge each lot or parcel of property with its proper share of such cost: Provided, that the common council shall have power, by ordinance, in case they shall deem it best for the public interest, to cause to be graded any street, alley or avenue within the city limits, at the expense of the city. When any work other than grading as last aforesaid shall be completed under authority of section 5661 the city engineer shall compute the cost thereof and apportion the same among the several lots or parcels of land to be charged therewith, and charge each lot or parcel of property with its proper share of such cost, according to the frontage of the property. The city engineer shall, after so apportioning and charging the cost of any work, make out and specify special tax bills according to such apportionment, and charge the same in favor of the contractor, to be paid against the several lots or parcels of land charged, and register the same in full in his office,

(b) A strict performance of all conditions is necessary to fasten a lien on the property of the citizen: *Guinotte v. Egelhoff*, 64 App. 356; *West v. Porter*, 89 App. 150.

Where tax bills are issued for street improvements, but cannot be collected, the city is not required to collect the tax and pay it over to the contractor: *Thornton v. City of Clinton*, 148 Mo. 648.

The charter of a city and its ordinances constitute a part of any contract into which the city enters for the doing of public work, whether they are made a part of it or not: *Pryor v. Kansas City*, 153 Mo. 135.

Contract must substantially follow the ordinance as to the materials to be used in public work: *Dunn v. McNeely*, 75 App. 217.

and deliver such bills to the party in whose favor issued for collection, and take his receipt therefor, at the foot of the register thereof, in full of all claims against the city on account of said work. Each tax bill shall contain a description of the lot or parcels of land against which it is issued, full and correct enough to identify the same. [R. S. 1899, Sec. 5663].

SEC. 4. **Tax bill to be lien on property.**—Every such tax bill shall be a lien on the property therein described, against which the same may be issued on the date of the receipt to the city engineer therefor, and such lien shall continue for two years after maturity thereof, but no longer, unless suit be brought to collect the same within two years, in which case the lien shall continue until the determination of the legal proceedings to collect the same, including any sale of the property charged, and each tax bill shall bear interest from its issue, at the rate of ten per cent per annum, if not paid in thirty days after the issue thereof. Every tax bill, and the lien thereof, shall be assignable, and any such tax bill, with interest as aforesaid, may be collected by suit by the contractor to whom issued, in his own name, or by an assignee thereof in his name, in any court of competent jurisdiction. No such tax bill need give the name of any party owning or interested in the land charged and bound by him, and before the suit the owner of any part or severalty or undivided interest in any land charged by any tax bill may pay his share separately, in which case his interest shall not be further liable in case of suit; all such, or any of the owners of the land charged, or of any interest or estate therein, may be made defendants, but only the right, title, interest and estate of the parties made defendants in any suit shall be affected or bound thereby or by the proceedings therein. In case any owner of the ground or of any interest therein is unknown, or a non-resident of the state, suit may be brought against such owner separately, or together with others, and such non-resident or unknown owner shall be brought in by an order or notice against such owner, published as in ordinary suit to enforce a lien against land. It shall be sufficient for the plaintiff to plead the making and issue of the tax bill sued on, giving date and contents thereof, and assignment thereof, in case of assignment, filing the same, and allege that the party or parties made defendants, own or claim to own the land charged, or some estate or interest therein, as the case may be. Such certified bill

shall, in any action thereon, be prima facie evidence of the validity of the bill, of the doing of the work, and of the furnishing of the materials charged for, and of the liability of the property to the charge stated in the bill: Provided, that nothing in this section shall be so construed as to prevent any defendant from pleading in reduction of the bill, any mistake or error in the amount thereof, or that the work therein mentioned is not done in a good and workmanlike manner: And provided further, that if any party shall set up by way of defense that the work was not done in a workmanlike manner, according to the class of work mentioned in the contract, and that such party, before the commencement of the suit tendered to the contractor or other holder of the bill, the full value of the work done, and shall establish the same on the trial, the recovery shall only be for the amount so tendered, and judgment for cost shall be rendered against the plaintiff; but no suit on any bill shall be defeated or affected by any irregularity affecting only other bills, or matter rendering any other bill invalid in whole or in part. In a suit on any tax bill the judgment shall be special and that the plaintiff recover the amount found due, including interest, to be levied on the land described in the bill, and a special execution shall issue to sell the land to pay such judgment, interest and costs, and the judgment shall bear interest at the same rate as the tax bill. When the amount due on any tax bill does not exceed three hundred dollars suit may be brought thereon before any justice of the peace in said city, as in other civil cases, and such justice of the peace may render a special judgment as aforesaid, but to enforce the same a transcript of such judgment shall be filed in the office of the clerk of the circuit court of such county where such city is located, and be recorded, docketed and indexed as a judgment of that court, whereupon an execution may be issued out of that court the same as if the judgment had been rendered in that court. Proceedings on special executions or judgments on such tax bills shall, including making of deeds to purchasers, conform as far as practicable to the proceedings on other special executions from the circuit court. Any such special judgment shall bind all the right, title, interest and estate in the land that defendants, and each of them, owned at the time the lien of the tax bill commenced, or acquired afterward, and a sale on execution thereon shall vest all of such right, title, interest and estate in the purchaser, and discharge the lands from any liens or incum-

brances thereon: but parties interested in the land, not made defendants, shall not be affected thereby, and if they claim through or under any parties defendant, prior to suit brought, may redeem from the purchaser, or otherwise assert their rights, according to equity and good conscience. On the presentation to the city engineer of any special tax bill, receipted or paid, he shall note the fact on the registry thereof, and such entry shall be evidence of payment as stated. In case the owner of any undivided interest or particular estate in any land charged be compelled by suit to pay, on account of any such tax bill, more than he ought equitably pay, as between him and others interested in the property, such owner shall be subrogated to the lien of such tax bill, and may, by proper proceedings in any court of competent jurisdiction, enforce such lien, and have the equities between such owner so paying and such other owners or parties interested in the land adjusted, though such other owners or parties interested were not parties defendant to the original suit on the bill, and though such subsequent proceedings be commenced after the expiration of two years from the issue of the bill, or the party so paying shall be entitled to contribution or repayment from others, according to equity, without enforcing the lien. [R. S. 1899, Sec. 5664].

SEC. 5. Tax bill against railroad right of way.—Whenever any city of the second class shall, by ordinance, duly and legally enacted, order any street, sidewalk, alley or public highway, or parts thereof, graded, constructed, reconstructed, paved or otherwise improved, where the right-of-way of any such railroad adjoins any street, sidewalk, alley or public highway, or parts thereof, then that part of said right-of-way so adjoining shall be treated and considered the same as any other piece of land adjoining said street or highway, and shall be subject to the same damages and benefits of street improvements as are all other lands adjoining same: and a special tax bill shall issue in favor of the contractor against such railroad for its proportional part of the costs of such improvements and constitute a lien upon the roadbed, station houses, depots, bridges, rolling stock and real estate belonging to such railroad situate in this state. [Laws of 1903, page 67].

SEC. 6. Lien of contractor; how enforced.—The lien in favor of the contractor, mentioned in this act, must be enforced by

suit on a special tax bill, as provided by section 5664 of chapter 91, article 3, of Revised Statutes of Missouri, 1899, in the circuit court of the county wherein the improvements were made, within two years after the date of the issuance of the tax bills. [Laws of 1903, page 68].

SEC. 7. Judgment a lien on property of railroad company.—The judgment to be rendered on such tax bills shall be a special lien on the roadbed, station houses, depots, bridges, rolling stock and real estate of such railroad company, situate in this state; and a special fieri facias shall issue upon said judgment, as is now provided by law, commanding the sheriff of the county where judgment is rendered to sell all of the above mentioned property, according to law, to satisfy said judgment and costs of suit. [Laws of 1903, page 68].

SEC. 8. Sidewalks.—Owners or occupants of real property may be required to make, according to rules and regulations prescribed by ordinance, repairs of sidewalks, curbing and guttering, or either, in front of their property and on the adjoining side of the street or avenue. In such repairs may be included the keeping in good order and proper place any of the improvements, and also cleaning or removing therefrom ice, snow, earth or other substances. Such rules and regulations shall be deemed police regulations, and violations thereof may be punished accordingly by fine or imprisonment. [R. S. 1899, Sec. 5525].

SEC. 9. What costs paid out of revenue.—The cost of repairing and keeping in repair the paving and macadamizing of all streets and avenues shall be paid out of the general revenue of the city. The cost of repairing the pavement or planking of any sidewalk, or any curbing and guttering alongside, shall, when done by the city, be charged to the particular lot or lots or parcel of land fronting on the spot where such may be made, and adjoining that side of the street or avenue where such spot may be. The common council may, in its own discretion, by ordinance, provide for giving owners of property liable to be charged with the cost of paving and planking sidewalks, and curbing and guttering alongside and repairing the same reasonable time and opportunity to do or cause to be done the work necessary, or of any such work, under such regulations as may be prescribed therefor.

at their own expense. The costs of repairing the pavement or planking any sidewalks or curbing or guttering shall, when not done by the owner of the property liable therefor in the first instance, be paid out of the general revenue of the city: but the city engineer shall compute, apportion and charge on the property liable the cost of such repairing done at each spot, and make out in favor of the city a special tax bill against each lot or parcel of land liable for the cost, which bill shall be registered and collected, as provided in section 5664, by and in the name of the city, and be subject to the defenses in that section provided; and when collected the money shall be paid into the city treasury to the credit of the general revenue. The common council may, by general ordinance, empower the city engineer to require in his discretion, the repairs last mentioned to be made, and to make or cause the same to be made for or on account of the city, as he may deem best; or it may direct by general contract or special contract for each job of repairing entered into, without letting the same to the lowest and best bidder, as in case of other work, or otherwise. [R. S. 1899, Sec. 5681].

Sec. 10. **Council to prescribe width of sidewalks, etc.**—The common council shall, before any street or avenue, or part thereof, be improved, determine the width of sidewalks thereon, and may, in its discretion, provide for grading the whole width of the street or avenue, including sidewalks, under the same contract; but in such case the cost of work on sidewalks shall be computed separately; and all work under the contract shall be apportioned, charged and paid for as provided in this article for each kind of work. The work done in constructing, partially or wholly, any street or avenue, may be protected from surface water by temporary drains or culverts put in under the direction of the city engineer, or other officer in charge of or superintending the work, or otherwise, as provided by ordinance; and the same may be closed, removed or altered at will, and the city shall not be liable for damage resulting to private property from insufficiency or want of repair of such drains or culverts, or in respect thereof in any way. When the city owns in fee simple absolute any lot or parcel of land liable to be charged for work by special tax bill, and in any case of improvement alongside of a public square, or other place held for public use other than a street, avenue, alley or highway, the city shall, out of the general revenue of the city,

pay its proper apportionate share of the cost of the work mentioned in section 5661, a tax bill against the city to be issued, in which the city may be sued in default of payment; but no property held for public use shall be sold, and the judgment shall be the same as ordinary judgments for the recovery of money on contract. [R. S. 1899, Sec. 5682].

SEC. 11. Proceedings on petition for improvements.—When it is proposed to grade, construct, reconstruct, pave or otherwise improve or repair any street, sidewalk, alley, avenue or public highway, or any part thereof, and pay therefor in special tax bills and under existing laws a petition therefor is required, a petition shall be sufficient, if signed by property holders owning a majority of the front feet of property owned by residents of the city, and fronting on the street, sidewalk, alley or avenue or public highway, or part thereof, proposed to be improved. When a petition has been signed the same may be published for five days in some newspaper printed in the city, and thereafter the common council shall hear and decide on all objections thereto, if any. If the common council shall, in the ordinance, cause to be done the work petitioned for and declare that the work has been petitioned for, and the petition published according to law, such finding and declaration shall be conclusive for all purposes; and no special tax bills shall be invalid or be affected by any defect in or objection to the petition. Special tax bills against different lots or parcels of land owned by the same person or persons may be joined in one suit, a separate judgment to be entered on each bill, and execution accordingly to be issued. In making out special tax bills against corner lots, for work on sidewalks, and curbing and guttering, they shall be charged for work on both fronts and outside corners. [R. S. 1899, Sec. 5683].

SEC. 12. Contractors to give bond.—Contracts for making city improvements on streets, avenues or alleys, or constructing sewers, let to the lowest responsible bidder, shall contain a covenant on the part of the contractor or contractors with the city to pay all laborers employed on the job, and performance of such covenant shall be guaranteed by two or more sureties signing the contract, whose sufficiency shall be approved as provided by ordinance, but who shall not be liable beyond the estimated cost of the labor on the job, to be stated in the contract: **Provided,**

that the city shall not be liable for the sufficiency of the contractors or sureties, nor for any failure to comply with or irregularity in complying with this provision. Laborers who may do work stipulated for by any such contract may recover in an action in the name of the city for their use, in which no costs shall be adjudged against the city, and all costs not adjudged against the defendants shall be adjudged according to equity against persons for whose use the suit may be prosecuted, all due them for labor not exceeding the estimated costs of the labor as stated in the contract: such recovery may be had against the contractor and sureties, or either, as in chancery: but it shall not be necessary to file with the petition the original contract. The suit shall be brought for the benefit of all laborers on the job, and the amount due them be ascertained by the court or a referee, unless the court direct an issue as to the amount due one or more laborers, to be tried by a jury: pending the suit laborers not mentioned in the petition, whether they have done work before or after the commencement of the suit, may become parties to the proceeding by appearing and filing in the action a written statement of their demand, such notice thereof as the court may direct to be given the defendants, and reasonable opportunity to defend to be given. The proceedings shall, as far as practicable, be governed by the rules and principles of courts of chancery, so as to afford speedy and adequate relief, according to the letter and spirit of this section. Judgment shall be rendered for the estimated cost of labor, as stated in the contract, and execution be awarded and issued for the aggregate amount found due laborers, not exceeding the estimated cost in the contract, which shall be collected with costs. Money made shall, after paying costs, be divided and paid pro rata among laborers for whose use the judgment may be rendered, the court to decide questions as to distribution summarily by motion. No action shall be brought or be prosecuted for the benefit of laborers on the contract, unless the suit be commenced within one year after the completion of the work to be done under the contract and acceptance thereof by the city, nor shall such action be brought before such completion and acceptance, unless the court find good cause therefor, according to averments in the petition. Such suit shall be brought in some court of competent jurisdiction in the county in which such city is located, if jurisdiction of the proper parties can be obtained in that county. [R. S. 1899, Sec. 5684].

ARTICLE XIV.

BOULEVARDS—SPECIAL TAX BILLS—SPRINKLING AND CLEANING STREETS.

SECTION

1. Act shall apply to what cities.
2. Authorizing construction of boulevards.
3. Special tax bills may be issued for grading, paving, etc.

SECTION

4. Sprinkling of streets, alleys, avenues and highways.
5. Manner of issuing tax bills.

SECTION 1. **Act shall apply to what cities.**—Any city now containing or which hereafter may contain more than fifty thousand and less than two hundred and fifty thousand inhabitants shall have the powers hereinafter set forth. [R. S. 1899, Sec. 6355].

SEC. 2. **Authorizing construction of boulevards.**—Whenever a majority of the resident property owners on any street, avenue or boulevard, for a distance of not less than four blocks, shall petition the common council of the city for the complete construction and maintenance for a period of five years of said street as a boulevard, then said common council may, according to the terms of said petition and in accordance with specifications proposed by the city engineer, cause the said street, avenue or boulevard to be graded, regraded, provision made for surface drainage, curbed, guttered, paved, repaved, plant trees thereon, construct sidewalks, lay sod, or otherwise improve and maintain the same in perfect order for a period of five years: Provided, that only such work is done as is specified in said petition, which may be for all or such part of the above described work as is therein set forth. [R. S. 1899, Sec. 6355].

SEC. 3. **Special tax bills may be issued for grading, paving, etc.**—The common council of such city may, by ordinance, provide that special tax bills, issued for any work of grading, paving, repaving, or the construction of district sewers and sidewalks, shall be made payable in five equal installments—the first installment to become due on the first day of January or the first day of July following the issue of said bills, whichever date is nearest to a period of one year from date of issue: the second installment

shall become due in one year, the third installment in two years, the fourth installment in three years and the fifth installment in four years after the first installment is due as above mentioned. Such tax bills shall bear interest at the rate of seven per cent per annum. The interest on the whole amount of the tax bills shall become due first on the date when the first installment becomes due, with interest to that date: thereafter they shall be payable at any time, with interest up to the following first day of January, when the first installment shall have been due in January or on the following first day of July when the first installment shall have been due in July. If any installment of any such tax bill or any interest thereon be not paid when due, then all the remaining installments shall immediately become due and collectable, together with interest at the rate of eight per cent per annum from the date of issue of said tax bills, less the sum of any interest that may have already been paid on said installments. Suits may be brought to enforce the payment of such tax bills, or any installment or installments thereof, in the manner provided by the charter of such city for the bringing of suits on other tax bills: Provided, however, that the owner or owners of any tract or parcel of real estate charged with the payment of such tax bill, or the owner or owners of any interest in such tract or parcel of real estate shall, within sixty days from date of issue, file with the common council a written statement of each and all objections which he or they may have to the validity of such tax bill, the doing of the work, the furnishing of the materials charged for, the sufficiency of the work or materials therein used, and to any mistake or error in the amount thereof; and in any suit on any tax bill issued pursuant to this section no objection or objections to it shall be pleaded or proved other than those which have been filed with the common council within the period aforesaid. The ordinance authorizing and ordering any work to be done according to the provisions of this section, and every amendment thereto, shall not be finally voted upon and passed by the common council until such ordinance, and the petition in case of paving, shall have been first published at least five days in the newspaper at the time doing the city printing, and before the passage of such ordinance the common council shall hear and determine all objections, if any there be, to such ordinance or petition. If the common council shall find and declare by ordinance that the ordinance or petition authorizing such work to be done

have been published for the time and in the manner herein required, such finding and recitations shall be conclusive upon all parties concerned, and no tax bill shall be held invalid on account of the insufficiency of such petition and notice. The lien of all tax bills issued under this section shall continue for a period of one year after the last installment specified therein shall have become due and payable, and no longer, unless within such year suit shall have been instituted to collect such tax bill, in which case the lien of such tax bill shall continue until sale of the property under execution on the judgment rendered establishing the same, and no default in the payment of any previous installment shall operate to diminish the period during which such lien shall continue. Such tax bills and liens thereof shall be assignable, and suits may be brought thereon in the same manner as on other tax bills issued by such city. [R. S. 1899, Sec. 6356].

SEC. 4. Sprinkling of streets, alleys, avenues and highways.

—The common council of such city may, by ordinance, cause any street, alley, avenue or public highway or any part thereof to be cleaned or sprinkled, or both cleaned and sprinkled, and three-fourths of the cost thereof paid out of the money collected on special taxes or assessments against the land fronting on such street, alley, avenue or public highway, or the part thereof on which such work may be done, according to the frontage of such land on the street, avenue, alley or public highway, and the remaining one-fourth or balance of the cost thereof to be paid out of the city treasury. The board of public works shall prepare each year, and present the same to the mayor and common council, an estimate of the streets, alleys, avenues or public highways to be cleaned or sprinkled during the coming fiscal year, showing the amount of work to be done and the estimated cost thereof. The common council may, by ordinance, provide that the work or any part thereof shall be done and three-fourths of the cost be paid for in special assessment. [R. S. 1899, Sec. 6357].

SEC. 5. Manner of issuing tax bills.—All tax bills issued under the authority of this act shall be issued in the same manner and under the same regulations for ascertaining the amount which shall be assessed against each lot or parcel of real estate to be assessed as may be provided in the charter of any such city for issuing tax bills for work of the same character as those specified in this act. [R. S. 1899, Sec. 6358].

ARTICLE XV.

PLAN OF STREETS—ADDITIONS AND PLATS.

SECTION

1. Power of council to establish plan for grading.
2. Plats to be submitted to council.
3. Streets in additions, plan of.
4. Plat to be approved, acknowledged and recorded.

SECTION

5. Duty of recorder, copies to be evidence.
6. Penalty for selling lots, fee vested in city, when.
7. Penalty for recording imperfect plat.

SECTION 1. Power of council to establish plan for grading.—The common council of such city shall have power to establish a general plan for the location and grading of streets, alleys and public highways within the city: and in all subdivisions of the property hereafter to be made by the respective owners, they shall be required to conform their streets, alleys and public highways to said general plan: and it shall be the express duty of the mayor to see that all ordinances to enforce his power are strictly executed. [R. S. 1899, Sec. 5660].

SEC. 2. Plats to be submitted to council.—It shall not be lawful for any person or persons to make or file any plat of land as an addition to such city, or to subdivide or alter any blocks, lots or other subdivisions of land of which plats have never been filed, or to sell any lots, blocks or other subdivisions of land according to such plat, unless such plat shall have been submitted to the common council for their approval, and a certificate of such approval has been indorsed thereon by the city clerk, by order of the common council, to be recorded therewith. Any person or persons who shall file, or cause to be filed or recorded any such plat, or shall sell or offer for sale any lots or other subdivisions of land hereafter made before such plat shall have been so approved and the certificate thereof recorded, shall be liable to the penalties prescribed in the chapter relating to plats: Provided, that the common council shall have no power to approve any plat, nor shall any such plat be filed until the grades of all streets and alleys shall have been fixed by ordinance and such streets and alleys reduced to such established grades by and at the expense of the proprietors thereof. [Laws of 1905, page 73].

SEC. 3. Plats of cities, etc., to be made out, when—shall show what.—Whenever any city, town or village, or any addition to any city, town or village shall be laid out the proprietor of such city, town or village, or addition shall cause to be made out an accurate map or plat thereof, particularly setting forth and describing: First, all parcels of ground within such town, village or addition reserved for public purposes by their boundaries, course and extent, whether they be intended for avenues, streets, lanes, alleys, commons or other public uses; and, second, all lots for sale, by numbers, and their precise length and width. And the streets of all such additions to cities, towns or villages, or of plats of ground, except plats for cemetery purposes, shall conform to the streets of such city, town or village, so that the streets and avenues of such additions or plats shall, as near as may be, run parallel with or be continuations on a straight line of the streets of said city, town or village, and all taxes against the property proposed to be platted shall be paid. [R. S. 1899, Sec. 8955]. (a)

SEC. 4. Plat to be acknowledged and recorded.—Such map or plat shall be acknowledged by the proprietor before some court or officer authorized by law to take the acknowledgment of conveyances of real estate, and recorded in the office of the recorder of deeds of the county in which the land platted is situated: Provided, however, that no such plat of an addition to a city, town or village, or plat of ground, shall be so recorded until the same has been submitted to and approved by the common council of such city, town or village, by ordinance duly passed and approved by the mayor, and such approval thereof indorsed upon said plat, under the hand of the clerk and seal of said city, town or village, nor until all taxes against the same have been paid. [R. S. 1899, Sec. 8956]. (b)

(a) Actual possession by the city and user by the public are sufficient to show that the place is a street, without proof of formal dedication: *Maus v. City of Springfield*, 101 Mo. 613; *Downend v. Kansas City*, 156 Mo. 73; *Boyd v. City of Springfield*, 62 App. 456.

The platting of a street, as such, on the plat of a city, and its use by the public, are sufficient to show that it is a public street of the city: *Pierson v. City of Lebanon*, 69 App. 321.

The mere acceptance of ground dedicated for a street does not impose upon the city the obligation to open it for use, though it has the power to do so: *Downend v. Kansas City*, 71 App. 529.

(b) Where the platting has done all the law demands, the approval of the plat by the council is merely a ministerial duty, the performance of which may be compelled by *mandamus*: *State ex rel. Strother v. Chase*, 42 App. 343.

SEC. 5. Duty of recorder when plat delivered, certified copies to be evidence.—It shall also be the duty of the recorder to record all plats delivered to him for record in a book to be called a plat book, and, when necessary to preserve uniformity, he shall reduce the scale of the original plat, and on each copy so made he shall indorse the following certificate under his hand: "This plat is truly copied from the original. (Signed) _____, recorder." Copies of the record of plats from said plat book, properly certified under the hand and official seal of the recorder, shall be evidence in all courts of justice. [R. S. 1899, Sec. 8957].

SEC. 6. Penalty for selling lots—fee vested in city, when.—If any person shall sell or offer for sale any lot within any city, town or village, or any addition thereto, before the plat thereof be made out, acknowledged and recorded, as aforesaid, such person shall forfeit a sum not exceeding three hundred dollars for every lot which he shall sell or offer to sell. Such maps or plats of such cities, towns, villages and additions made, acknowledged, certified and recorded shall be a sufficient conveyance to vest the fee of such parcels of land as are therein named, described or intended for public uses in such city, town or village, when incorporated, in trust and for the uses therein named, expressed or intended, and for no other use or purpose. If such city, town or village shall not be incorporated, then the fee of such lands conveyed as aforesaid shall be vested in the proper county in like trust, and for the uses and purposes aforesaid, and none other. [R. S. 1899, Sec. 8959].

SEC. 7. Penalty for recording imperfect plat.—If any person, his agent or attorney shall cause a map or plat of any such city, town, village or addition thereto to be recorded which does not set forth and describe all parcels of ground which have been or shall be promised or set apart for public uses, such persons shall forfeit double the value of the ground so promised or pretended to have been set apart for public uses, and not set forth on the plat. The forfeitures arising under this chapter may be recovered by civil action, with costs, in the name of the county to the use of the school fund of the incorporated city, town or village in which the land lies, or the county, as the case may be. [R. S. 1899, Sec. 8960].

ARTICLE XVI.

SEWERS.

SECTION

- 1. Sewer system—public sewers.
- 2. District sewers.

SECTION

- 3. Private sewers.
- 4. Condemnation of property.

SECTION 1. **Of sewers.**—The common council shall have power to cause a general sewer system to be established, which shall be divided into three classes, to wit: Public, district and private sewers. Public sewers shall be established along the principal courses of drainage, at such times, to such extent, of such dimensions and under such regulations as may be provided by ordinance, and these may be extensions or branches of sewers already constructed or entirely new throughout, as may be deemed expedient. The common council shall levy a tax on all property made taxable for state purposes over the whole city to pay for the constructing, reconstructing and repairing of such work, which tax shall be called “special public sewer tax,” and shall be such amount as may be required for the sewer provided by ordinance to be built; and the fund arising from said tax shall be appropriated solely to the building and repairing of said sewers. No sewer shall be run diagonally through private property when it is practicable, without injury to such sewer, to construct it parallel with one of the exterior lines of such property; nor shall any public sewer be constructed through private property when it is practicable to construct it along or through a street or other public highway. [R. S. 1899, Sec. 5685].

SEC. 2. **District sewers.**—District sewers shall be established within the limits of the districts to be prescribed by ordinance, connecting with a public sewer or other district sewer, or with the natural course of drainage, as each case may be. Such district may be subdivided, enlarged or changed by ordinance, at any time previous to the construction of the sewer therein. The common council shall cause sewers to be constructed in each district whenever a majority of the property holders, residents therein,

shall petition therefor, or whenever the common council may deem such sewer necessary for sanitary or other purposes, and said sewer shall be of such dimensions as may be prescribed by ordinance, and may be changed, enlarged or extended, and shall have all the necessary laterals, inlets and other appurtenances which may be required. As soon as the district sewer shall have been completed the city engineer, or other officer having charge of the work, shall compute the whole cost thereof, and shall assess it as a special tax against the lots of ground exclusive of the improvements, in proportion to the area of the whole district, exclusive of public highways, and such officer shall make out a certified bill of such assessment against each lot of ground within the district, in the name of the owner thereof: said certified bill shall be delivered to the contractor for the work, who shall proceed to collect the same by the ordinary process of law, in the name of the city, to his own use, and, in case of absent owners, he may sue by attachment or by any other process known to the law; and every such certified bill shall be a lien against the lot of ground described therein, and shall bear interest at the rate of ten per cent per annum from thirty days after the date of its issue, unless sooner offered to be paid, and if not paid or offered to be paid within six months after the date of issue, then it shall bear interest at the rate of fifteen per cent per annum until paid: and every such certified bill shall, on action brought to recover the amount thereof, be prima facie evidence of the validity of the charges against the property therein described, and of the liability of the person therein named as the owner of such property. The city shall incur no liability for building district sewers, except when the city is the owner of a lot of ground within the district, and in that case the city shall be liable for the cost of said sewer, in the same manner as other property owners within the district. The repairs, cleaning and other incidental expenses of district sewers shall be paid out of a general appropriation for that purpose. The lien of such special tax bills shall continue for two years after the issue of the same, but no longer, unless suit be brought to collect the same within two years from the issue thereof, in which case the lien shall continue until the determination of the

legal proceedings to collect the same, including any sale of the property charged. [R. S. 1899, Sec. 5686.] (c)

SEC. 3. Private sewers.—Private sewers connected with public and district sewers may be constructed under such restrictions and regulations as the common council may prescribe by general ordinance, but the city shall be at no expense in the construction, repairing or cleaning the same. [R. S. 1899, Sec. 5687].

SEC. 4. Private property may be condemned.—The common council shall have power to condemn private property for use, occupation or possession in the construction and repair of public sewers, in the same manner as other property is condemned for other public uses. [R. S. 1899, Sec. 5688].

(c) The exercise of the power of a city to construct sewers is of a legislative or quasi judicial character—is discretionary with the municipal board, and a failure to act will not in general give any right of action to a private party: *Woods v. The City of Kansas*, 58 App. 272.

If a city neglects after notice, or after such time as notice will be imputed to it, to remove obstructions in its sewers, and property is overflowed and damaged by reason thereof, then the property owner has a cause of action against it: *Woods v. The City of Kansas*, 58 App. 272.

ARTICLE XVII.

FIRE DEPARTMENT.

SECTION

1. Fire limits.
2. Power of council.
3. Fire engines to be procured, etc.
4. Fire department empowered to create funds for pensioning disabled firemen.
5. Honorary members, admission of.
6. Board of trustees, who to compose.
7. City treasurer ex-officio treasurer of board.
8. Relief fund and retirement fund created—sources of revenue.
9. One per cent. of certain revenues may be set apart for relief fund.
10. Certain moneys to go into retirement fund.
11. Powers of board of trustees.
12. Transfer of money from retirement fund to relief fund authorized.
13. Members of fire department may be assessed for benefit of relief fund.
14. Moneys in funds may be invested.
15. To be loaned separately.

SECTION

16. Who to be beneficiaries of relief fund.
17. Widow and children of firemen beneficiaries, when.
18. Relatives beneficiaries of retirement fund, when.
19. Member of fire department beneficiary of retirement fund, when.
20. Widow and children beneficiaries of retirement fund, when.
21. When funds are short, moneys to be prorated to beneficiaries.
22. Treasurer to give bond.
23. Warrants to be drawn on treasurer at request of board.
24. Money paid beneficiaries only upon warrant.
25. Board of trustees to report to city legislative body.
26. Pension money exempt from garnishment, etc.
27. Fire department association authorized to transfer funds to board of trustees.
28. Funeral expenses may be paid out of retirement fund.

SECTION 1. **Fire limits.**—The common council shall have power, by ordinance, to prohibit the erection or repairing of wooden buildings within such limits as may be prescribed by ordinance, and to direct that all buildings within the limits prescribed shall be made or constructed of fireproof material, and to declare all dilapidated buildings to be nuisances, and to direct the same to be repaired, removed or abated in such manner as they shall prescribe and direct, and to declare all wooden buildings within the fire limits which they may deem dangerous to contiguous buildings, in causing or promoting fires, to be nuisances, and to require or cause to be removed in such manner and under such penalties to the owners or proprietors thereof as they may direct. [R. S. 1899, Sec. 5689].

SEC. 2. **Power of council to provide against fires.**—The common council shall have power:

I. To prohibit the construction of chimneys, flues, fireplaces, stovepipes, ovens or other apparatus used in or about any building or manufactory, and cause the same to be removed or put in a safe condition when considered dangerous.

II. To prevent the deposit of ashes in unsafe places; and may appoint one or more officers to enter into all buildings and inclosures to examine whether the same are in dangerous condition, and to cause such as may be dangerous to be put in a safe condition.

III. To regulate and prevent the carrying on of manufactories dangerous in promoting or causing fires.

IV. To regulate, prevent and prohibit the use of fireworks and firearms.

V. To direct and prohibit the management of houses for the storing of gunpowder and other combustibles and dangerous materials within the city; to regulate the keeping and conveying the same, and the use of candles and other lights in stables and other like houses.

VI. To regulate and prescribe the manner and order of building parapets and partition walls and partition fences.

VII. To compel the owners or occupiers of houses or other buildings to have scuttles on the roof, and stairs or a ladder leading to the same.

VIII. And generally to establish such regulations for the prevention and extinguishment of fires as the common council may deem expedient. [R. S. 1899, Sec. 5690].

SEC. 3. **May procure engines, etc.**—The common council may procure steam fire engines and other apparatus used for the extinguishment of fires, and have the charge and control of the same, and provide fit and secure houses and other places of keeping and preserving the same, and shall have power:

I. To organize fire, hose, axe and ladder companies.

II. To appoint and pay, during their pleasure, a competent number of able and reputable inhabitants of the city as firemen, to [have] the care and management of the engines and the apparatus and implements used and provided for the extinguishment of fires.

III. To prescribe the duties of firemen and to make rules and regulations for their government, and to impose reasonable penalties upon them for a violation of the same, and for incapacity, neglect of duty or misconduct to remove them.

IV. The common council shall have the power to appoint a chief and assistant engineer of the fire department, and they, with the other firemen, shall take the care and management of the engine and other apparatus provided and used for the extinguishment of fires; and their powers and duties shall be prescribed and defined by the common council, the particulars of all which shall be prescribed by ordinance. [R. S. 1899, Sec. 5691].

SEC. 4. Fire department empowered to create funds for pensioning disabled firemen.—Any fire department existing by authority of the laws of this state, or any municipal authority thereof, in any city in this state now having or which may hereafter acquire a population of more than one hundred thousand inhabitants, is hereby authorized and empowered to create funds for the purpose of pensioning firemen and affording relief to members of such fire department when sick, or who may become disabled in the service, or retired, and provide for the relief of the families and other dependents of such firemen in case of death, under such rules and regulations as may be enacted by the board of trustees of such funds, subject to the provisions of this act, and not inconsistent with the constitution and laws of this state. [Laws of 1903, page 87].

SEC. 5. Honorary members, admission of.—The board of trustees may provide for the admission of honorary members of the department in such manner and under such conditions as may be set forth in the rules and regulations enacted by said board of trustees. [Laws of 1903, page 87].

SEC. 6. Board of trustees, who to compose.—In cities the treasurer, the counselor, the clerk or register, and the comptroller, where such office exists, the chief officer of the fire department, four delegates at large from the fire department, to be elected by the members thereof on the first Monday of December of each year, whose term of office shall be for one year, and one delegate from the retired or pensioned list, to be elected by the retired or pensioned members on the first Monday of December of each year, whose term of office shall be for one year, shall constitute and be a board to be known as the “board of trustees of the firemen’s pension fund.” The board shall select from their members a president and secretary. [Laws of 1903, page 87].

SEC. 7. City treasurer ex-officio treasurer of board.—The treasurer, in all cities in this state to which this act is applicable, shall be ex-officio treasurer of said board, and as such shall have charge of the funds and securities provided for herein. He shall give such bond as the board may require, and shall be subject to the order and direction of the board. [Laws of 1903, page 87].

SEC. 8. Relief fund and retirement fund created—sources of revenue.—The revenues which shall form and maintain the fire department pension funds in cities to which this act is applicable shall be divided as follows, viz: first, into the “relief fund,” and, second, into the “retirement fund.” Said funds shall be created as hereinafter provided, and shall be separately kept, and used only as provided in this act. The funds which shall be credited to and form the “relief fund” shall be realized and secured from the following sources: All moneys and securities remaining in the hands or under control of any incorporated fire department pension fund and relief association existing in any such city at the time this act shall take effect, which may be transferred to said fund by authority of the members of such association, and all moneys which may now be under the control of any board of trustees of the firemen’s fund, or firemen’s pension fund, in any such city at the time when this act shall take effect; all moneys derived by any such city from the sale of all condemned stock, horses, mules, condemned hose, or other fire apparatus of every kind or description, which may be set apart to said fund by act or ordinance of the municipal authorities of such city; all moneys received from rejected or surplus material

or article of value coming into the department and disposed of and sold by the officers of any such city, which may be set apart to said fund by act or ordinance of the municipal authorities of such city; all moneys levied and collected by any court as fines for the violation of the laws in relation to the construction of any certain class of buildings of prohibited materials within the fire limits of any such city as established by law or ordinance, which may be set apart to said fund by act or ordinance of the municipal authorities of such city; all fines derived from any violation of any building law or ordinance in any such city, which may be set apart to said fund by act or ordinance of the municipal authorities of such city; all fines and penalties that may be collected for violating the municipal laws or ordinances regulating the quantity, quality or storage of petroleum, coal oil, gasoline, turpentine, or any product thereof, all hemp, cotton, powder, giant powder, dynamite or other combustible or inflammable substance, liquid or material that is considered extremely dangerous or hazardous, which may be set apart to said fund by act or ordinance of the municipal authorities of such city; all moneys derived from licenses or privileges to store or manufacture coal oil, petroleum, gasoline, turpentine, powder, giant powder, dynamite, hemp, cotton, or other combustible or inflammable substances, liquid or material that is considered extremely dangerous or hazardous, which may be set apart to said fund by act or ordinance of the municipal authorities of such city; and all moneys derived from any and all other sources that may by any law or ordinance of this state, or any municipality thereof, be set apart for the benefit of any such fire department pension fund in any such city in this state. The funds which shall be credited to and form the "retirement fund" shall be realized and secured from the following sources: All initiation fees and dues from the active and honorary members of the department; all moneys derived from citizens or others for services rendered by any such fire department to such citizens or others for pumping out cellars, filling cisterns, removing dangerous walls, buildings or other obstructions that are injurious or dangerous to the inhabitants of any such city, and the emoluments from all such other work as may be permitted by any such city to be performed by the department outside of its legitimate and proper duty; all fines and penalties imposed upon members of the department for any dereliction of duty, or for violation of any

rule or order or regulation of the department, after any such rule, order or regulation has been properly promulgated and made known to the department, such fine or penalty shall not exceed fifty dollars, or be less than five dollars, for any one offense; all donations received by the chief or any other officer of the department from any citizen or other person or corporation for and in the name of the department; and all moneys derived from lectures, picnics and other entertainments authorized by the department. [Laws of 1903, page 87].

SEC. 9. One per cent of certain revenues may be set apart for relief fund.—The municipal authorities in cities in this state to which this act is applicable may, by act or ordinance, set apart not exceeding one per centum of all revenues received for municipal purposes by such cities from licenses issued by such cities as a fund for the pensioning of crippled and disabled members of the fire department, and of the widows and orphans of deceased members of the fire department of such cities, which moneys shall be credited to said "relief fund." [Laws of 1903, page 88].

SEC. 10. Certain moneys to go into retirement fund.—All rewards in money, fees, gifts and endowments that may be paid or given for or on account of extraordinary services by said fire department, or any member thereof, except when permitted by order of the board to be retained by said member, may be paid into said "retirement fund," and the said board of trustees may take by gift, grant, devise or bequest any money, real estate, personal property, right of property or other valuable thing, and the same shall be treated as a part of and for the use of said "retirement fund:" Provided, however, the principal of said fund shall never in the aggregate exceed the sum of two hundred and fifty thousand dollars. [Laws of 1903, page 88].

SEC. 11. Powers of board of trustees.—The board of trustees of the firemen's funds shall have exclusive control and management of the separate funds mentioned in this act, and of all the moneys donated, paid or assessed for the relief or pensioning of crippled, disabled or retired members of the fire department, and their widows, minor children and dependents. Said board shall make all needful rules and regulations for its government in the discharge of its duties, and shall hear and decide all applications

for relief or pensions under this act, and its decision on such applications shall be final and conclusive, and not subject to review and reversal, except by the board, and a record shall be kept of all the meetings and proceedings of the board. [Laws of 1903, page 89].

SEC. 12. Transfer of money from retirement fund to relief fund authorized.—The moneys and securities credited to the "relief fund" under the provisions of this act shall in no case be transferred to or become a part of the "retirement fund," or used in whole or in part for the purposes for which the latter fund is created: but the board of trustees shall have the power, for the purpose of equalizing the demands against said funds, to transfer any part of the moneys credited to said "retirement fund" to the former fund, and such moneys shall thereafter become a part of the same. [Laws of 1903, page 89].

SEC. 13. Members of fire department may be assessed for benefit of relief fund.—The board of trustees may assess each member of the fire department such sum per month as may be determined by the rules and regulations adopted by the board, and such assessment shall not be increased or diminished during any one fiscal year, the sums so assessed to be deducted and withheld from the monthly pay of each member, and the same to be placed by the treasurer of the board to the credit of the "relief fund." [Laws of 1903, page 89].

SEC. 14. Moneys in funds may be invested.—Said board of trustees shall have power to draw such funds as are credited to the "relief fund" under the provisions of this act from the treasury of such city, and may invest the same, or any part thereof in the name of the "board of trustees of the firemen's pension fund," in the interest-bearing bonds of the United States or the state of Missouri, or of any county, township or municipal corporation of the state, or loan the same on real estate in the city where such pension funds are established, not exceeding in amount in any case two-thirds of the assessed taxpaying valuation of such real estate: and said board shall have power to invest the funds credited to the "retirement fund" in like manner. All such securities shall be deposited with the treasurer of such city as ex officio treasurer of such board. [Laws of 1903, page 89].

SEC. 15. **To be loaned separately.**—Said funds shall be loaned separately, and the interest received from the investment of same shall be credited to said funds respectively. [Laws of 1903, page 89].

SEC. 16. **Who to be beneficiaries of relief fund.**—If any member of the fire department of any such city shall, while in performance of his duty, become and be found, upon an examination by a medical officer ordered by said board of trustees, to be physically or mentally permanently disabled by reason of service in such department, so as to render necessary his retirement from service in said fire department, said board of trustees shall retire such disabled member from service in such fire department: Provided, however, no such retirement on account of disability shall occur unless said member has contracted said disability in the service of such fire department; and upon such retirement the said board of trustees shall order the payment to such disabled member of such fire department monthly, from the “relief fund,” such sum of money as may be determined by the rules and regulations provided for the management of said funds; and in case the party suffering such disability is a member of the volunteer department receiving no pay, the amount to be paid him shall be fixed by the board of trustees. [Laws of 1903, page 89].

SEC. 17. **Widow and children of firemen beneficiaries, when.**—If any member of such fire department shall, while in the performance of his duty, be killed or die as the result of an injury received in the line of his duty, or of any disease contracted by reason of his occupation as fireman, or shall die from any cause whatever while in such service, and shall leave a widow, or child or children under the age of sixteen years surviving, said board of trustees shall direct the payment from said “relief fund” monthly to such widow, while unmarried, such sum of money as may be determined by the rules and regulations provided for the management of said funds, and said board shall also direct the payment out of said “relief fund” for each child until it reaches the age of sixteen years such sum of money as may be determined by said rules and regulations; and in case the party suffering such disability is a member of the volunteer department the amount to be paid monthly to his widow and children aforesaid shall be fixed by said board of trustees. [Laws of 1903, page 90].

SEC. 18. Relatives beneficiaries of retirement fund, when.—If any member of such fire department being single and unmarried shall, while in the performance of his duty, be killed, or die as the result of an injury received, or shall die of any disease contracted by reason of his occupation as fireman, or shall die from any cause whatever while in said service, and shall leave a father or mother who are dependent upon him for support, or a brother or sister under the age of sixteen years so dependent, said board of trustees shall direct the payment from the "retirement fund" monthly to each such dependent parent, and to each such dependent brother or sister under sixteen years of age such sum of money as may be determined by the rules and regulations provided for the management of said funds. [Laws of 1903, page 90].

SEC. 19. Member of fire department beneficiary of retirement fund, when.—Any member of the fire department of any such city, arriving at the age of fifty years, and having served twenty-two years or more in such fire department, of which the last two years shall have been continuous, may make application to be relieved from such fire department and retired; and if his application is granted, or if he shall be discharged from such department, the said board of trustees shall order and direct that said person shall be paid out of the "retirement fund" monthly such sum of money as may be determined by the rules and regulations provided for the management of said funds; and if he be a member of the volunteer fire department and not under pay, such amount monthly as may be fixed by the board of trustees. After the decease of such member his widow, providing their marriage shall have occurred prior to such retirement, and his children under the age of sixteen years, if any, shall be paid out of the "retirement fund" such sum of money as may be determined by said rules and regulations. [Laws of 1903, page 90].

SEC. 20. Widow and children beneficiaries of retirement fund, when.—If any member of such fire department shall die after having been retired and pensioned by reason of injuries sustained or disease contracted while serving as a member of the department his widow, providing their marriage shall have occurred prior to such retirement, and children under sixteen years of age, if any, shall be paid monthly out of the "retirement fund" such sum of money as may be determined by the

rules and regulations provided for the management of said funds. [Laws of 1903, page 90].

SEC. 21. When funds are short, moneys to be prorated to beneficiaries.—If at any time there shall not be sufficient money in the funds created under the provisions of this act to pay each person entitled to the benefits herein provided the full amount per month provided for in said rules and regulations, then an equal percentage of such monthly payments shall be paid to each beneficiary until said funds shall have been replenished so as to warrant the payment in full of each of said beneficiaries. [Laws of 1903, page 91].

SEC. 22. Treasurer to give bond.—The treasurer of the board of trustees shall be the custodian of said pension funds, and shall secure and safely keep the same, subject to the control and direction of the board, and shall keep his books and accounts concerning said funds in such manner as may be prescribed by the board, and said books and accounts shall always be subject to the inspection of the board or any member thereof. The treasurer shall execute a bond to the city, with good and sufficient sureties, in such penal sum as the board shall direct, to be approved by the board, conditioned for the faithful performance of the duties of his office, and that he will safely keep and well and truly account for all moneys and property which may come to his hands as such treasurer, and that on the expiration of his term of office he will surrender and deliver over to his successor all unexpended moneys, and all securities and property which may have come to his hands as treasurer of such funds; and said bond shall be filed in the office where the records of the city are kept, and may be sued on in the name of said city, to the use of said board or any person or persons injured by a breach thereof. [Laws of 1903, page 91].

SEC. 23. Warrants to be drawn on treasurer at request of board.—It shall be the duty of the officer or officers of such city who are designated by law to draw warrants on the treasurer of such city, upon request, in writing, by said board of trustees, to draw warrants on the treasurer of such city, payable to the treasurer of such board of trustees, for all funds belonging to said pension fund as aforesaid. [Laws of 1903, page 91].

SEC. 24. Money paid beneficiaries only upon warrant.—All moneys order to be paid from said pension funds to any person

or persons shall be paid by the treasurer of the board of trustees only upon warrants signed by the president of said board and countersigned by the secretary thereof, and no warrant shall be drawn except by order of the board, duly entered on the records of the proceedings of the board. [Laws of 1903, page 91].

SEC. 25. Board of trustees to report to city legislative body.—The board of trustees shall make report to the legislative body of such city of the condition of said pension funds immediately after the first meeting of said board in January of each year. [Laws of 1903, page 91].

SEC. 26. Pension money exempt from garnishment, etc.—No portion of said pension funds shall, before or after its order of distribution by the board of trustees to the persons entitled thereto, and before the actual payment thereof to such persons, be held, seized, taken, subjected to, or detained or levied on by virtue of any attachment, execution, injunction, writ interlocutory or other order or decree, or any process or proceeding whatever issued out of or by any court of this state for the payment or satisfaction, in whole or in part, of any debt, damages, claim, demand or judgment against the beneficiary of said funds: but the said funds shall be held and distributed for the purposes of this act, and for no other purpose whatever. [Laws of 1903, page 91].

SEC. 27. Fire Department Association authorized to transfer funds to board of trustees.—Any fire department pension fund and relief association existing in any city to which this act is applicable is hereby empowered, by a majority vote of its members, to transfer and deliver all its property and effects, after the payment of all debts and liabilities then due, to the board of trustees created under this act, and the said board of trustees is hereby authorized to credit said property and effects to the "relief fund" provided for in this act. [Laws of 1903, page 91].

SEC. 28. Funeral expenses may be paid out of retirement fund. Whenever an active or retired fireman shall die, as aforesaid, the board of trustees may appropriate from the "retirement fund" a sum not exceeding one hundred dollars to the widow or family of such fireman for funeral expenses, and may expend a sum not exceeding fifty dollars, to be drawn from said fund, for the expenses of the attendance of the firemen at said funeral. [Laws of 1903, page 92].

ARTICLE XVIII.

PARKS.

SECTION

1. Parks, how established.
2. Lands, how condemned.
3. Board of park commissioners established.

SECTION

4. Duties.
5. Officers of Board.

SECTION 1. Parks, how established.—Whenever any city desires to establish a park or pleasure grounds, the common council or mayor and board of aldermen of such city is hereby authorized and empowered to purchase or condemn lands in such city or within one mile thereof for that purpose, and shall by ordinance describe the metes and bounds of such lands to be purchased or condemned: Provided, that lands owned by such city may by ordinance be converted, set aside or appropriated for parks or pleasure grounds. [R. S. 1899, Sec. 6067].

SEC. 2. Lands, how condemned.—The common council or mayor and board of aldermen, in proceeding by ordinance, to purchase or condemn lands for the purpose in the preceding section stated, shall proceed in the manner provided in this chapter for the several classes of cities organized under this chapter respectively, or in the manner provided in the charter of such city for the condemnation of lands for the establishment of streets, avenues, alleys or market places, or public squares: and on such condemnation and the payment of the appraisement as therein provided, the title of such land shall vest in such city for the uses and purposes for which it was taken. [R. S. 1899, Sec. 6068].

SEC. 3. Board of park commissioners established.—There is hereby created a board of park commissioners in cities of the second class, to consist of three members to be appointed by the mayor by and with the consent of the common council. The term of each commissioner shall be for three years: Provided, that in establishing such board, one member shall be appointed for one year, one for two years, and one for three years: one mem-

ber shall be appointed each year thereafter for a period of three years. Provided, further, that in all such cities where board now exist by virtue of any ordinance, the members thereof shall be permitted to serve out the terms for which they were appointed. [Laws of 1901, page 54].

SEC. 4. **Duties.**—Such board of park commissioners shall have charge of all public parks and such other grounds as may be turned over to them by ordinance. At the beginning of each fiscal year it shall be the duty of the common council in such cities to apportion such sums as may be deemed necessary for the maintenance and improvement of the parks, and to appropriate therefrom from time to time such sums as may be required by the park commissioners. Bills provided by the park commissioners shall be presented to the city auditor and allowed and paid as are other bills of the city: Provided, that it shall be unlawful for the board of park commissioners to contract debts against the city in excess of the annual apportionment. [Laws of 1901, page 55].

SEC. 5. **Officers of board.**—Such board of park commissioners shall elect one of its own members as president, and may provide rules and regulations for its government. It may employ a general park superintendent, who shall be secretary of the board, and such other employes as may be deemed necessary from time to time. [Laws of 1901, page 55].

ARTICLE XIX.

PUBLIC LIBRARY.

SECTION

1. Library fund—tax levy for—election, etc.
2. Directors, how appointed.
3. Term of office—removal.
4. Vacancies, how filled—compensation.
5. Organization—powers of directors—funds.
6. Who may use library—rules.
7. Board shall make annual report to council.

SECTION

8. Council may provide penalties.
9. Donations, how made.
10. Library building fund may be created, election for.
11. Plans, etc., for building—contract, how let.
12. Power to sell or exchange building lot.

SECTION 1. Library fund—tax levy for—election, etc.—

When one hundred taxpaying voters of any incorporated city shall petition the mayor and common council asking that an annual tax be levied for the establishment and maintenance of a free public library in such incorporated city, and shall specify in their petition a rate of taxation, not to exceed two mills on the dollar annually, and in cities of over one hundred thousand inhabitants not to exceed two-fifths of one mill annually on all the taxable property in the city, such mayor and common council shall direct the proper officer to give notice in his next legal notice of the annual election, or special election, which may be called for the purpose of voting on such question, that at such election every voter may vote “for a..... mill tax for a free public library,” or “against amill tax for a free public library,” specifying in such notice the rate of taxation mentioned in said petition; and if the majority of votes cast on such proposition shall be “for the tax for the free public library” the tax specified in such notice shall be levied and collected in like manner with other general taxes of such incorporated city, and shall be known as the “library fund:” Provided, that such tax shall cease in case the legal voters of any such incorporated city shall so determine by a majority vote at any annual election held therein. [Laws of 1901, page 84].

SEC. 2. Directors.—When any incorporated city shall have decided to establish and maintain a public library and reading room under this article the mayor of such city shall, with the approval of the legislative branch of the municipal government, proceed to appoint a board of nine directors for the same, chosen from the citizens at large, with reference to their fitness for such office: and no member of the municipal government shall be a member of said board. [R. S. 1899, Sec. 6467].

SEC. 3. Term of office—removal.—Said directors shall hold office one-third for one year, and one-third for two years and one-third for three years from the first of June following their appointment, and at their first regular meeting shall cast lots for the respective terms: and annually thereafter the mayor shall, before the first of June of each year, appoint, as before, three directors, who shall hold office for three years and until their successors are appointed. The mayor may, by and with the consent of the legislative branch of the municipal government, remove any director for misconduct or neglect of duty. [R. S. 1899, Sec. 6468].

SEC. 4. Vacancies, how filled—compensation.—Vacancies in the board of directors, occasioned by removals, resignations or otherwise, shall be reported to the city council and be filled in like manner as original appointments, and no director shall receive compensation as such, and no person shall be employed by such board of library directors who is related either by blood or by marriage to any director of said board. [Laws of 1901, page 85].

SEC. 5. Organization—powers of directors—funds.—Said directors shall, immediately after appointment, meet and organize by the election of one of their number president, and by the election of such other officers as they may deem necessary. They shall make and adopt such by-laws, rules and regulations for their own guidance, and for the government of the library and reading room as may be expedient, not inconsistent with this article. They shall have the exclusive control of the expenditure of all moneys collected to the credit of the library fund, and of the construction of any library building, and of the supervision, care and custody of the grounds, rooms or buildings constructed, leased or set apart for that purpose: Provided, that all moneys

received for such library shall be deposited in the treasury of said city or village to the credit of the library fund, and shall be kept separate and apart from other moneys of such city or village, and drawn upon by the proper officers of said city or village upon the properly authenticated vouchers of the library board. Said board shall have power to purchase or lease grounds, to occupy, lease or erect an appropriate building or buildings for the use of the said library; shall have power to appoint a suitable librarian and necessary assistants, and fix their compensation, and shall also have power to remove such appointees; and shall in general carry out the spirit and intent of this article in establishing and maintaining a public library and reading room. [R. S. 1899, Sec. 6470.]

SEC. 6. Who may use library.—Every library and reading room established under this article shall be forever free to the use of the inhabitants of the city where located, always subject to such reasonable rules and regulations as the library board may adopt in order to render the use of said library and reading room of the greatest benefit to the greatest number: and said board may exclude from the use of said library and reading room any and all persons who shall wilfully violate such rules: and said board may extend the privileges and use of such library and reading room to persons residing outside of such city in this state upon such terms and conditions as said board may, from time to time, by its regulations, prescribe. [R. S. 1899, Sec. 6471].

SEC. 7. Annual report, what to contain.—The said board of directors shall make, on or before the second Monday in June, an annual report to the city council, stating the condition of their trust on the first day of May of that year, the various sums of money received from the library fund and from other sources, and how much moneys have been expended and for what purposes; the number of books and periodicals on hand, the number added by purchase, gift or otherwise during the year; the number and general character and kind of such books, with such other statistics, information and suggestions as they may deem of general interest. All such portions of said report as relate to the receipt and expenditure of money, as well as the number of books on hand, books lost or missing, and books purchased, shall be verified by affidavit. [R. S. 1899, Sec. 6472].

SEC. 8. **Council may provide penalties.**—The city council of said city or village shall have power to pass ordinances imposing suitable penalties for the punishment of persons committing injury upon such library or the grounds or other property thereof, and for injury to or failure to return any book belonging to such library. [R. S. 1899, Sec. 6473].

SEC. 9. **Donations.**—Any person desiring to make donations of money, personal property or real estate for the benefit of such library, shall have the right to vest the title to the money or real estate so donated in the board of directors created under this article, to be held and controlled by such board, when accepted according to the terms of the deed, gift, devise or bequest of such property; and as to such property the said board shall be held and considered to be special trustees. [R. S. 1899, Sec. 6474].

SEC. 10. **How library building fund may be created—election, how and when ordered.**—Whenever in any incorporated city which has decided or shall hereafter decide to establish and maintain a public library and reading room under the provisions of this article one hundred taxpaying voters of any such incorporated city shall petition the proper authorities, asking that an annual tax be levied as an increased rate of taxation for the erection of a free public library building in such incorporated city, and shall specify in their petition a rate of taxation not to exceed one and one-half mills on the dollar annually, and not to be levied for more than five years on all taxable property in such incorporated city, and the board of directors of the free public library of such incorporated city shall deem it necessary that such library building should be erected, and so express its opinion by resolution, then the proper authorities of such incorporated city shall, in the next legal notice of a regular election in such incorporated city, give notice that at such election every voter may vote for an annual increased rate of taxation for..... years of.....mills tax per annum for the erection of a free public library building, specifying in such notice the rate of taxation mentioned in such petition and the period for which it is to be levied, and if two-thirds of the qualified voters of such incorporated city voting at such election shall vote “for the increased tax for the erection of a free public library building” the tax specified in such notice shall be levied and collected in like manner with other general

taxes of said incorporated city, and shall be known as "the library building fund," and shall be subject to the exclusive control of said board, and be drawn upon by the proper officers of such city upon the properly authenticated vouchers of said board, and be used for the erection of the library building. The fund hereby provided for the erection of a free public building in any such incorporated city shall be in addition to the annual tax levied for the establishment and maintenance of such free public library. [R. S. 1899, Sec. 6478].

SEC. 11. Plans and specifications to be prepared and contract let.—When it shall have been determined at such election to provide for the erection of a free public library building, as hereinbefore provided, the board of directors of such public library shall proceed to have plans and specifications of a public library building prepared, and shall then take bids thereon for the construction of said building, and shall let the contract therefor to the lowest and best responsible bidder, and shall require of such bidder securities for the performance of his bid. The board may, however, let parts of the material or labor for the erection of the building to different bidders, as to it may seem best. [R. S. 1899, Sec. 6479].

SEC. 12. Board empowered to sell or exchange building lot.—Whenever the board of directors of any public library shall have acquired, or shall hereafter acquire, a lot or tract of land, and said board may determine that it is not judicious to erect the library building upon such lot, said board is empowered to sell or exchange such lot and to use the proceeds of such sale or exchange for the purposes of a site for a library building, or for the erection of a library building on any other land purchased or leased by or donated to said board and which it may deem suitable to said building: Provided, this act shall not apply to cities under ten thousand inhabitants. [R. S. 1899, Sec. 6480].

ARTICLE XX.**CHARITY BOARD.****SECTION**

1. Charity boards created in counties containing cities of 50,000 and less than 150,000 inhabitants—powers and duties of board.
2. Board how constituted—terms of office of members.
3. Organization of board—salaries and fees of officials.

SECTION

4. Duty of treasurer.
5. Records of proceedings to be kept and report to be made to mayor.
6. Duty of board as to applicants for relief.
7. Police commissioners and health officers to aid charity board.

SECTION 1. Charity boards created in counties containing cities of 50,000 and less than 150,000 inhabitants—powers and duties of board.—In all counties in this state that now or may hereafter contain cities of more than fifty thousand and less than one hundred and fifty thousand inhabitants there is hereby created and established a board, which shall be styled “The charity board of the city of” All the powers and duties connected with and incident to the relief and care of the outdoor poor of such cities shall be vested in and exercised by said board, who shall have power to receive and disburse donations for the relief of the poor, and shall have exclusive control of and dispense all public funds set aside and appropriated by such cities and counties for outdoor or temporary relief or aid to indigent, helpless or poor persons within the limits of such cities. Said board shall have power to sue and be sued, complain and defend in all courts, to assume the care of or take by gift, grant, devise, bequest or otherwise any money, real estate, personal property, right of property or other valuable thing, and may use, enjoy, control, sell or convey the same for charitable purposes, to have and use a common seal and alter the same at pleasure. Said board may make by-laws for its own guidance, rules and regulations for the government of its agents, servants and employes, and for the distribution of the funds under its control. [Laws of 1901, page 50].

SEC. 2. Board how constituted—terms of office of members.

—Said board shall be non-partisan and non-sectarian in character,

and the members and officers thereof shall receive no compensation as such. Said board shall consist of the mayor of such cities and the president of the county court of such counties, who shall be ex officio members thereof, and six other members, three of whom shall be appointed by the county court of such counties, who shall hold office, one for one year, one for two years and one for three years, whose terms of office shall be designated by such county court, three by the mayor and common council of such cities, who shall hold office, one for one year, one for two years and one for three years, whose terms of office shall be designated by the mayor. Whenever the term of office of any member so appointed expires the appointment of his successor shall be for three years. All such appointments shall date from the first of June following their appointment. Vacancies from any cause shall be filled in like manner as original appointments. The mayor may, for misconduct or neglect of duty, remove any member appointed by him in the manner required for removal of officers of such cities. The county court may, by a majority vote, for misconduct or neglect of duty, remove any member appointed by them. [R. S. 1899, Sec. 5065].

SEC. 3. Organization of board—salaries and fees of officials. Said members shall immediately after their appointment, and annually thereafter, meet and organize by electing out of their number a president, vice-president, treasurer and secretary. All subordinate officers, agents and employes appointed by said board shall hold their positions at the pleasure of the board, and each shall give such bonds for the faithful discharge of their duties as may be required by the board. The total combined expenditures for salaries and fees of the subordinate agents and employes of the board shall in no event exceed the sum of fifteen hundred dollars in any one year, which shall be paid out of the funds of said board. [Laws of 1901, page 51].

SEC. 4. Duty of treasurer.—All moneys received or appropriated for the use of said board shall be deposited with the treasurer of said board to its credit and subject to its order, and may be drawn upon by the proper officers of said board; the treasurer shall give good and sufficient bond to said board for the safe keeping and proper expenditure of all funds placed in his hands by or for the use of said board. [R. S. 1899, Sec. 5067].

SEC. 5. Records of proceedings to be kept and report to be made to mayor.—It shall be the duty of said board to keep a record of its proceedings and of its receipts, expenditures and operations, and shall annually render a full and complete itemized report, stating the condition of their trust, together with such suggestions as they may deem of general interest to the mayor and common council of said cities, and the county courts of said counties: Provided, said board shall render reports concerning receipts, expenditures, operations, etc., whenever called for by the common council of said cities or the county court of said counties. [R. S. 1899, Sec. 5068].

SEC. 6. Duty of board as to applicants for relief.—It shall be the duty of said board, when any person by himself, herself or another apply for relief, to make immediate inquiry into the state and circumstances of the applicant, and if it shall appear that he or she is in such indigent circumstances as to require temporary relief the said board shall furnish, out of the funds in their hands, such relief as the circumstances of the case may require: Provided, that in all cases where the applicant for aid may be found deserving, and said applicant or a member of said applicant's family is an able-bodied male person capable of performing manual labor, said board shall require such person to perform work to the value of the aid given, and the city engineer and the street commissioner of such cities in their respective departments are required to utilize the services of such able-bodied persons upon receiving notice from said board that such person has received or is entitled to such aid. Where the applicant or a member of the applicant's family is an able-bodied female said board shall, whenever practicable, require that labor to the value of the aid given be performed. [R. S. 1899, Sec. 5069].

SEC. 7. Duty of police commissioners to aid charity board.—It shall be the duty of the board of police commissioners of said cities and the health officers of said cities and counties to render said charity board, its officers or agents, such aid as may be requested by them or either of them, whenever such aid requested shall reasonably come within the duties of said police board, its agents or officers or of the health officers aforesaid. [R. S. 1899, Sec. 5070].

ARTICLE XXI.

POLICE FORCE—COMMISSIONERS.

SECTION

1. City ordinances defined.
2. Charter creating office of chief of police repealed.
3. Board of police commissioners established.
4. Governor to appoint, term of office.
5. Duties of commissioners.
6. Appointment of permanent police force.
7. Officers and policemen — salaries.
8. Vacancies, how filled.
9. Police not to receive extra money.
10. Office of board, police districts and station houses.
11. Police force to pass under control of board.

SECTION

12. Statement, appropriations thereon, emergencies.
13. Penalty for resisting enforcement of act.
14. Persons arrested to be brought before judge of police court.
15. Board to keep journal of their proceedings.
16. Members of force officers of both city and state.
17. Regulations of private watchmen.
18. Special policemen to be appointed on recommendation of humane society.
19. Police authorized to enforce ordinance within public parks or grounds.

SECTION 1. **City ordinances defined.**—The common council of cities of the second class is hereby empowered and authorized to pass all needful ordinances for preserving order, securing property and persons from violence, danger or destruction, protecting public and private property, and for promoting the general interest and insuring the good government of such city, but no ordinance heretofore passed, or that may hereafter be passed, by the common council of any such city, shall in any manner conflict or interfere with the powers or the exercise of the powers of the board of police commissioners of such city as hereinafter created: nor shall such city, or any officer or agent of the corporation of such city, or the mayor thereof, in any manner impede, obstruct, hinder or interfere with the said board of police commissioners, or any officer or agent or servant therefor or thereunder. [R. S. 1899, Sec. 5703].

SEC. 2. **Charter creating office of chief of police repealed.**—So much of the charter, laws and ordinances of cities of the second class as authorize, create and establish the office of chief of police of such cities, and provide for the manner of filling of said office of chief of police, and so much of the charter and ordinances

of such cities as authorize the common council and the mayor, or either of them, to appoint, pay and regulate the police of such cities be and the same are hereby repealed. [R. S. 1899, Sec. 5704].

SEC. 3. **Board of police commissioners established.**—There shall be and is hereby established within and for cities of the second class a board of police, to be called the police commissioners of the city of....., to consist of three commissioners, as hereinafter provided. Said board shall appoint one of their number president, who shall preside at all meetings of the board. The said commissioners shall be citizens of the state of Missouri, and shall have been residents of such city for the period of two years prior to their appointment; and they shall, except as hereinafter provided, hold their offices for three years, and until their respective successors are appointed and qualified, and shall each receive a salary not to exceed five hundred dollars per annum, payable quarterly. Before entering on the duties of their said office the said commissioners shall take and subscribe before the judge of the circuit court of the county in which any such city may be, or the clerk thereof in vacation, the oath or affirmation prescribed by the constitution of the state of Missouri, and they shall each, also, take and subscribe before the same judge or clerk the further oath or affirmation that in any and every appointment or removal to be by them made to or from the police force created, and to be organized by them under section 6 of this article, they will in no case, and under no pretext, appoint or remove any policeman or officer of police or other person under them, for or on account of the political opinions of such policeman, officer or other person, or for any other cause or reason than the fitness or unfitness of such person, in the best judgment of said commissioners, for the place to which he shall be appointed, or from which he shall be removed. The said oaths or affirmations shall be recorded and preserved among the records of said circuit court. One of their own number shall be appointed from time to time by said commissioners, treasurer of said board of police, and his appointment, when made, shall be certified to the clerk of the circuit court of such county, under the seal of said board. Said treasurer shall hold his office for such term as may be designated by the commissioners, who may remove him at pleasure, and he shall be entitled to two hundred

dollars additional compensation per annum for acting in that capacity. Before he enters on the duties of his office as treasurer he shall give bond to the state of Missouri, with one or more sureties, in the penal sum of twenty thousand dollars, conditioned for the faithful discharge of his duties as treasurer of the board of police, and for the faithful application and payment, pursuant to the order and direction of said board, of all moneys that may come to his hands as treasurer. The bond of the treasurer shall be approved by the judge of the circuit court of such county, and shall be delivered to and safely kept by the comptroller of such city; a majority of the board of police shall constitute a quorum for the transaction of business. In case a vacancy shall occur in said board the same shall be filled by the governor of the state of Missouri forthwith, after having been notified that such vacancy exists. Any one of said commissioners, who, during the term of his office, shall accept any other place of public trust or emolument, or who, during the same period, shall knowingly receive any nomination for an elective office by the people without publicly declining the same within twenty days succeeding such nomination, shall be deemed to have thereby vacated his office. For official misconduct any of said commissioners may be removed by the governor of the state of Missouri upon his being fully satisfied that the commissioner or commissioners charged is or are guilty of the alleged official misconduct. [R. S. 1899, Sec. 5705]. (a)

SEC. 4. Governor to appoint—term of office.—The governor of the state of Missouri shall, without unnecessary delay, appoint three commissioners, the senate concurring therein, as provided for in the preceding section; and said commissioners shall hold their office, one for one year, one for two years and one for three years from the date of their appointment and until their successors shall have been appointed and qualified. The governor shall issue commissions to the persons so appointed, designating the time for which they are severally appointed; and whenever the term of office of any commissioner expires the appointment of his successor shall be for three years. [R. S. 1899, Sec. 5706].

SEC. 5. Duties of commissioners.—The duties of the board of police hereby created shall be as follows: They shall at all

(a) Cannot remove officers or policemen without cause: *State ex rel. v. Police Commissioners*, 14 App. 297; S. C. 88 Mo. 144.

times of the day and night, within the boundaries of any city of the second class, as well on water as on land, preserve the public peace, prevent crime and arrest offenders, protect the rights of person or property, and guard the public health, preserve order at every public election and at all the public meetings and places, and on all public occasions, prevent and remove nuisances on all streets, alleys, highways, waters and other places, provide a proper police force at every fire for the protection of firemen and property, protect immigrants and travelers at steamboat landings and railway stations; see that all laws relating to elections and to observance of Sunday, and relating to pawnbrokers, intemperance, lotteries and lottery policies, vagrants, disorderly persons, are enforced; and suppress gambling and bawdy houses and every other manner and kind of disorder and offense against law and the public health. They shall also enforce all laws and ordinances passed or which may hereafter be passed by the common council of such city, not inconsistent with the provisions of this article or any other law of the state which may be properly enforceable by a police force. In case they shall have reason to believe that any person within said city intends to commit any breach of the peace or violation of law or order beyond the city limits, or any person charged with the commission of crime in such city, and against whom criminal process shall have been issued, such person may be arrested upon the same in any part of this state by the police force created or authorized by section 6 of this article: Provided, however, that before the person so arrested shall be removed from the county in which said arrest is made he shall be taken before some judge or justice of the peace of that county, to whom the papers authorizing such arrest shall be submitted: and the person so arrested shall not be removed from said county, but shall forthwith be discharged, unless such judge or justice of the peace shall approve and indorse said papers. The said police commissioners, or either of them, shall have power to administer oaths of affirmations on the premises to any person appearing or called before them. They shall also have the power to summon and compel the attendance of witnesses before them whenever it may be necessary for the more effectual discharge of their duties. [R. S. 1899, Sec. 5707]. (b)

(b) Mandamus will not lie to compel arrest and prosecution for violations of state law: *State ex rel. v. Francis*, 95 Mo. 44; *State ex rel. v. Noonan*, 59 App. 524.

SEC. 6. Appointment of permanent police force.—To enable said board to perform the duties imposed upon them they are hereby authorized and required, as speedily as may be, to appoint, enroll and employ a permanent police force for the city for which they are appointed, which they shall equip and arm as they may judge necessary. The number of policemen to be so appointed and employed, exclusive of officers, shall, at the first organization, be not exceeding the number now employed by the corporate authorities of any such city, but the common council of such city shall have power to increase the police force at any time to any number recommended by the board of police commissioners; and said commissioners may reduce the present or any future number of police, as experience may warrant: Provided, however, that for extraordinary emergencies the board of police may raise such additional force as the exigencies may, in their judgment, demand. No person shall be appointed or employed as regular policeman or officer of police who shall have been convicted of or against whom any indictment may be pending for any offense, the punishment for which may be confinement in the state penitentiary; nor shall any person be so appointed who is of notoriously bad character, or who is not a citizen of the United States, or who is not able to read and write the English language, or who does not possess ordinary physical courage. The policemen shall be employed to serve for three years and be subject to removal only for cause after a hearing by the board, who are hereby vested with exclusive jurisdiction in the premises. Any policeman whose term of service shall expire, and who during his appointment shall have faithfully performed his duty shall, if otherwise qualified, be preferred by the board in making their new appointments. [R. S. 1899, Sec. 5708].

SEC. 7. Officers and policemen—salaries.—The board may, as the service requires, appoint officers and patrolmen as follows: A chief of police, who, in addition to other duties, shall perform the same duties as have heretofore been performed by the chief of police, not inconsistent with the provisions of this article, and who shall give bond, with security to be approved by the board, in the penal sum of \$10,000 conditioned for the faithful performance of his duties, whose salary shall be \$2,100.00 per annum; one captain for each district at a salary of \$1,350.00 per annum; sergeants not to exceed two for each police district at a salary

of \$1,080.00 each per annum; a secretary of the board at a salary of \$1,200.00 per annum; a chief of detectives at a salary of \$1,080.00 per annum. The salary of regular patrolmen shall be not less than \$720.00 nor more than \$900.00 each per annum, and probationary patrolmen shall be at the rate of not less than \$600.00 nor more than \$720.00 per annum. The board may appoint a police matron at a salary of \$600.00 per annum; police signal operators not to exceed three for each police station at a salary not to exceed \$600.00 per annum; drivers not exceeding two for each police station at a salary of \$780.00 each per annum. [Laws of 1903, page 75].

SEC. 8. Vacancies, how filled.—Whenever any vacancy shall take place in any grade of officers except the chief, it shall be filled from the next lowest grade, if competent men can be found therein. The said board of police is hereby authorized to make and enforce all such rules and regulations not inconsistent with this article as they may deem necessary for the appointment, employment, uniforming, discipline, trial and government of the police, and for the relief and compensation of members of the police force injured in person or property in the discharge of their duty, and the families of the officers or men killed whilst in such discharge of duty: Provided, that such allowance shall not exceed in any one instance twelve months' pay. The said board shall also have power to require of any officer or policeman a bond, with security, whenever they may consider it demanded by the public interest. All lawful rules and regulations made by the board shall be obeyed by the police force on pain of dismissal, or such lighter punishment, either by suspension, fine, reduction or forfeiture of pay, or otherwise, as the board may adjudge. [R. S. 1899, Sec. 5712].

SEC. 9. Officers and policemen not to receive extra money.—No officer or policeman shall be allowed to receive any money or gratuity or compensation for any service he may render, without the consent of said board; and all such moneys as any policeman or police officer may be so permitted to receive shall be paid over to the board, and all such moneys over and above the amount or amounts which the board may allow any policeman or policemen, or officer or officers, out of any moneys received by him or them as compensation for services rendered by him or them, to-

gether with the proceeds of all fines and unreclaimed property which may come to the possession of the board or be received by them under the provisions of this section, or any other law or ordinance, shall be paid into the city treasury. [R. S. 1899, Sec. 5713].

SEC. 10. Office of board—police districts and station houses.

—The common council of such city shall be and they are hereby authorized to provide said board with an office and office furniture, as they may need. Said board shall have and use a common seal. Said board shall have the power to appoint their secretary, who shall receive a salary of not less than one thousand dollars nor more than twelve hundred dollars per annum, and said board shall appoint such other subordinates as they may need at such compensation as may be fixed by the board. Said board may divide the city into the needful number of police districts, and provide each of them, if necessary, a station house or houses, with all things and attendants required for the same, and all such other accommodations as may be required for the use of the police. The said board, for all the purposes of this article, shall have the use of all station houses, watch-boxes, firearms, equipments, accoutrements and other accommodations and things heretofore provided by such city for the use and service of the police, as fully and to the same extent as the same are now and may be used by or for the present police force; and the mayor and common council, and all persons and municipal officers in charge thereof are hereby ordered and required to allow such use accordingly. In case the said mayor and common council of said city, or their officers or agents, refuse or neglect to allow such use when the same shall be required by said board, the said board may apply to the circuit court of the county in which the city is, in the name of the state of Missouri, for a mandamus to compel a compliance with the provisions of this section, and the application therefor shall be heard and decided by said court. One week's notice of the application shall be given, and the respondent or respondents shall have the right to answer within one week, and if testimony be needed on either side the same shall be taken within ten days after the answer is filed or the said week shall have expired. From the decision of the circuit court in the premises either party may appeal within ten days; and it shall be the duty of the clerk of said court to send up the record

immediately, and the appeal shall be heard by the supreme court, if then in session, and if not in session, at the next term. In both courts the case shall be taken up and tried in preference to all others. [R. S. 1899, Sec. 5714].

SEC. 11. Police force to pass under control of board.—So soon as the board created by section 3 of this article shall hold their first meeting it shall be their duty to inform the chief of police and the other officers of the police force of such city that they require their attendance upon them and obedience to their orders. For failure to attend as required, and for each and every failure to obey the lawful orders of said board, the officers so notified shall be fined in any sum not exceeding five hundred dollars, to be recovered by action at law instituted by said board, in the name of the state. From and after the first meeting aforesaid the whole of the then existing police force in such city, both officers and men, shall pass under the exclusive management and control of the said board, and be subject to no other control, and entitled to receive neither orders nor pay, except arrearages then due, from any other authority: and shall so continue, subject, however, to removal or suspension, at the discretion of said board, and with the power in said board to fill vacancies, until said board shall publicly declare that the organization of the police force created by section 6 of this article is complete. Upon such public declaration, and from the time thereof thenceforward, all ordinances of such city are hereby declared null and void, so far as they conflict with this article or assume to confer upon the mayor, chief of police, common council, or any other person or persons the power to appoint, dismiss, or in any way or to any extent employ or control any police force organized or to be organized under such ordinances, or any of them, and from and after such public declaration as aforesaid, the police force organized, or which may be organized under such ordinances, or any of them, shall cease to exist, and its functions and powers be at an end. [R. S. 1899, Sec. 5715].

SEC. 12. Statement—appropriations thereon.—It shall be the duty of said board, with all convenient speed, after qualifying as aforesaid, and annually thenceforward, to estimate what sum of money will be necessary for each current fiscal year, to enable them to discharge the duties hereby imposed upon them, and

they shall forthwith certify the same to the common council of such city, who are hereby required in each monthly appropriation or ordinance of that fiscal year to set apart and appropriate the one-twelfth part of the amount so certified, which sum shall at once be paid by the city treasurer to the treasurer of the board of police upon a warrant drawn by the president, and countersigned by the comptroller: Provided, that if the said board shall be required to create an extra police force, as provided in section 6 hereof, and the expense of such extra force be contemplated in their said estimate, they shall immediately certify the expense of such additional force to the common council, who are hereby required, as soon as possible, to set apart and appropriate the additional amount so required, agreeably to this section. The said board of police, upon and after having qualified as aforesaid, are hereby authorized to make requisition from time to time upon the mayor, auditor, treasurer, comptroller or other proper disbursing officer or officers of the corporation of such city for such sums as they may deem necessary for executing their duties under this article, and the sums so required shall be paid by said proper disbursing officer or officers out of any money in the city treasury not otherwise appropriated: Provided, also, that the amount so required or drawn shall not exceed in any one year the amount certified as aforesaid, to the common council for that year, including any additional amount which may have been ordered by said common council to be paid for or on account of any extra police force as hereinbefore provided; that the common council of such city shall have no power or authority to levy or collect any tax or appropriate and disburse any money for the payment of any police force other than that to be organized or employed under this article, and the power of the mayor and common council of such city to appropriate and disburse money for the payment of the police force to be organized or employed under this article shall be exercised as in this section directed, and not otherwise. [R. S. 1899, Sec. 5716].

SEC. 13. Penalty for resisting enforcement of this law.—Any officer or servant of the mayor or common council of such city, or other person whomsoever, who shall forcibly resist or obstruct the execution or enforcement of any of the provisions of this article providing a permanent police force for such city, or relating to the same, or who shall hinder or obstruct the organization

of said board of police, or the police force herein provided to be organized, or who shall maintain, control, or attempt to maintain and control, the existing police force of said city, or any part thereof, or any other police force under the ordinances and acts herein and hereby repealed, except as herein provided, shall be liable to a penalty of one thousand dollars for each and every such offense, recoverable by the board by action at law in the name of the state of Missouri, and shall forever thereafter be disqualified from holding or exercising any office or employment whatever under the mayor or common council of such city under this article: Provided, however, that nothing in this section shall be construed to interfere with the punishment under any existing or any future law of the state of any criminal offense which may be committed by the said parties in or about the resistance, obstruction, hindrance, conspiracy, combination or disbursement aforesaid. [R. S. 1899, Sec. 5717].

SEC. 14. Persons arrested to be brought before police judge.—The commissioners of police shall cause all persons arrested by the police to be brought before the judge of the police court. [R. S. 1899, Sec. 5718].

SEC. 15. Board to keep journal of proceedings.—The board shall cause a full journal of their proceedings to be kept, and shall also cause all their receipts and disbursements of money to be faithfully entered in books to be procured and kept for that purpose, and said journal and all of said books and all other documents in the possession of said board shall always be open to the inspection of the general assembly of the state of Missouri, the common council of such city, or any committee appointed by them for said purpose. It shall be the duty of the board to report to the common council of such city, at least once a year, the number and expense of the police force employed by them under this article, and all such other matters as may be of public interest in connection with the duties assigned them hereby. [R. S. 1899, Sec. 5719].

SEC. 16. Members of force officers of both city and state.—The members of the police force of such city, organized and appointed by the police commissioners of said city under this article, are hereby declared to be officers of such city under the charter and ordinances of such city, and also to be officers of the state

of Missouri, and shall be so deemed and taken in all courts having jurisdiction of offenses against the laws of this state or the ordinances of said city. [R. S. 1899, Sec. 5720].

SEC. 17. Regulation of private watchmen.—The board of police commissioners shall have full power to regulate and license all private watchmen and private policemen serving or acting as such on any street, alley, wharf, or other public place in said city, and no person shall so serve or act as a private watchman or private policeman in said city without the written license of said board first had and obtained, on pain of punishment for a misdemeanor. [R. S. 1899, Sec. 5721].

SEC. 18. Special policemen to be appointed on recommendation of humane societies.—In cities wherein an incorporated society for the prevention of cruelty to animals exists, known as the Humane Society, and the same city having the metropolitan police system, it shall be the duty of the board of police of said city to appoint one special officer, to be recommended by the humane society of said city, whose term of office and wages shall be the same as that of a regular policeman. The said special officer shall be subject to the authority of the board of police, but ununiformed in costume, but shall wear over his left breast the badge adopted by the humane society which he represents. [R. S. 1899, Sec. 6168].

SEC. 19. Police authorized to enforce ordinance within public parks or grounds.—In all cities of the second class the police department is authorized and empowered to enforce all ordinances of the city violated within public parks or grounds belonging to the city, but located outside of its limits, in the same manner and with the same effect as if located within the corporate limits of the city. [R. S. 1899, Sec. 5722].

ARTICLE XXII.

PUBLIC WORK—BONDS OF CONTRACTORS FOR.

SECTION

1. Contractors for public works required to execute bonds.

SECTION

2. Who may sue on such bond, copy of bond sufficient evidence of its execution.

SECTION 1. Contractors for public works required to execute bonds. All counties, cities, towns and school districts making contracts for public work of any kind to be done for such county, city, town or school district shall require every contractor to execute a bond with good and sufficient securities, and such bond, among other conditions, shall be conditioned for the payment for all material used in such work, and all labor performed on such work, whether by sub-contract or otherwise. [R. S. 1899, Sec. 6761]. (a)

SEC. 2. Who may sue on such bond—copy of bond sufficient evidence of its execution.—Every person furnishing material or performing labor for any contractor with any county, city, town or school district where bond shall be executed as provided in section 1 shall have the right to sue on such bond, in the name of such county, city, town or school district, for his use and benefit; and in such suit it shall be sufficient to file a copy of such bond, certified by the clerk or secretary of such county, city, town or school district, which copy shall, unless execution thereof be denied under oath, be sufficient evidence of execution and delivery of the original: Provided, however, that this act shall not be taken to in any way make such county, city, town or school district liable to such sub-contractor, material man or laborer to any greater extent than it is liable under the law as it now stands. [R. S. 1899, Sec. 6762].

(a) *Glencoe Lime & Cement Co. v. Wind*, 86 App. 163; *Diners v. Howard*, 88 App. 253.

ARTICLE XXIII.

FRANCHISES—SALE OF.

SECTION

- 1. Franchises to be sold at public auction.
- 2. Notice of sale to be published.

SECTION

- 3. Purchaser to give approved bond.
- 4. Authorities may reject bids.

SECTION 1. **Franchises to be sold at public auction.**—The public authorities of every county, city, village or other municipal or public corporation, to whom application may be made by any private company, copartnership, corporation, individual or individuals, for consent to the construction, extension, maintenance, occupation or use of any electric lighting plant, or plant for the generating, transmission, sale or use of electricity: gas lighting plant: street railway, or railroad for the transportation of either freight, passengers or mails; telephone or telegraph plant, or plant for supplying water, above, across, along, beneath or through any highway, road, avenue, alley, park, square, street or other public lands, must provide, as a condition precedent to the granting of such consent, that the franchise, privilege and right of such occupation and use of any such public places for any such private purposes shall be sold at public auction to the responsible bidder who will give the largest percentage yearly of the gross receipts derived from such occupation and use, with adequate security, as hereinafter provided, for the payment thereof and for the prompt construction and completion of the proposed plant: Provided, that such payment shall in no case be less than two per cent of the gross earnings during the first five years of such occupation and use, and thereafter, for each period of five years, such percentage shall be increased to correspond with the increase in value of the land thus occupied and used. [R. S. 1899, Sec. 6497]. (a)

SEC. 2. **Notice of sale to be published.**—Prior to any such sale, notice of the time, place, manner, conditions and terms

(a) This act held to be void for uncertainty, and because it is not susceptible of any construction that will enable the courts to carry out its provisions: State ex inf. v. Street Ry. Co., 146 Mo. 155.

thereof, with a description of the lands to be thus occupied and used, the duration of such occupation and use, and of the time within which such plant must be constructed, completed and put in operation, shall be published at least once a week for at least four weeks, in two newspapers to be designated by the public authorities whose consent is thus applied for and sought. [R. S. 1899, Sec. 6498].

SEC. 3. **Purchaser to give approved bond.**—The security required by this act shall be a bond in such amount, condition, form and sureties as the public authorities, whose consent is thus applied for and sought, shall require and approve: Provided, that nothing in this act shall be construed to take away or impair the right of such public authorities to impose any other reasonable conditions and terms, as a condition to such occupation and use, in addition to the payment of such percentage; but such conditions and terms shall be reasonably set forth in such notice, and such bond shall be conditioned, as well as for a compliance with such conditions and terms, as for the payment of such percentage: and provided further, that the relation existing between any such public corporation and all private companies, copartnerships, corporations, individual or individuals, who occupy or use any of its lands, as aforesaid, shall be deemed and taken to be, and shall be, that of landlord and tenant: and such public corporation shall have, under this act, a paramount lien on all the franchises and property of the party occupying and using such public lands, and shall have all other rights and remedies now by law given to landlords, either to recover delinquent rent or to recover possession of the rented lands. [R. S. 1899, Sec. 6499].

SEC. 4. **Authorities may reject bids.**—Nothing in this act shall be construed to prohibit the public authorities of such county, city, village or other municipal or public corporation from rejecting any and all bids. [R. S. 1899, Sec. 6500].

ARTICLE XXIV.

WATER, GAS, ELECTRIC, TELEPHONE AND TELEGRAPH PLANTS.

SECTION

1. A system of waterworks may be established.
2. Existing grant not to be interfered with.
3. May own and operate water, gas and electric light works.
4. Electric light companies, cities may authorize to set poles, etc.

SECTION

5. Telephone and telegraph companies, privileges in constructing line.
6. Telephone and telegraph lines, mode of construction may be directed, by whom.

SECTION 1. **Waterworks—system may be established.**—The common council shall have the exclusive right to erect, maintain and operate waterworks within the limits of the city, and to regulate the same; to prescribe the rates at which water shall be charged to the inhabitants of such city when taken from said works, and acquire, by purchase, donation or condemnation, suitable grounds, within or without the city, upon which to erect waterworks, and the right of way to and from said works, and also the right of way for laying water pipe within the limits of said city, all of which shall be done in such manner as prescribed by ordinance: Provided, that the mayor and council may, in their discretion, grant the right to any person or persons to erect waterworks and lay down pipes for the use of said city and its inhabitants upon such terms as the common council may by ordinance prescribe: Provided, that such right shall not extend for a longer period than twenty years, and shall not be granted nor shall be renewed unless by the consent of a majority of the qualified voters of said city, to be ascertained at an election held for such purpose: Provided, that when water shall be taken by individuals from any waterworks not owned by such city, the mayor and common council shall have the right, by ordinance, from time to time, to fix the rates to be charged therefor. [R. S. 1899, Sec. 5692].

SEC. 2. **Existing grant not to be interfered with.**—* * *
In case the right to erect and operate waterworks has been or

may be granted to any person or persons or corporation, no modifications of the terms and conditions of the original grant or contract therefor, nor any new contract, shall be made by which the obligations or liabilities of the grantee or grantees of such right shall be lessened or released, or the obligation or liabilities of the city be increased, unless the modification or new contract be approved by the qualified electors of the city, in the same mode and manner as was or may be necessary to the validity of the **original grant**. [R. S. 1899, Sec. 5524].

SEC. 3. May own and operate water, gas and electric light works.—The city council of any city, town or village in this state shall have the power to erect, maintain and operate waterworks, or to acquire waterworks by purchase, and to operate and maintain the same, and to supply the inhabitants thereof with water: to erect, maintain and operate gas and power plants, electric light plants, or any other kind of plant or device for lighting purposes, or to acquire and own the same by purchase, and to maintain and operate such plants, and to supply the inhabitants of such cities, towns and villages with light and power therefrom. [R. S. 1899, Sec. 6487].

SEC. 4. Electric light companies, cities may authorize to set poles, etc.—Any city, town or village in this state may, by ordinance, authorize any company organized for the purpose of supplying light or power by electricity, and incorporated under the laws of this state, to set its poles, piers, abutments, wires and other fixtures along, across or under any of the public roads, streets, alleys or public places within such city, town or village, subject to such rules, regulations and conditions as shall be expressed in said ordinance. [R. S. 1899, Sec. 6501]. (a)

SEC. 5. Telephone and telegraph companies, privileges in constructing line.—Companies organized under the provisions of this article, for the purpose of constructing and maintaining telephone or magnetic telegraph lines, are authorized to set their poles, piers, abutments, wires and other fixtures along, across or under any of the public roads, streets and waters of this state, in

(a) Right of city to compel placing of wires underground: State ex rel. v. Murphy, 130 Mo. 10.

such manner as not to incommode the public in the use of such roads, streets and waters: Provided, any telegraph or telephone company desiring to place their wires, poles and other fixtures, in any city, they shall first obtain consent from said city through the municipal authorities thereof. [Laws of 1903, page 137].

SEC. 6. Telephone and telegraph lines, mode of construction may be directed, by whom.—The mayor and aldermen or board of common council of any city, and the trustees of any incorporated town, through which the lines of any telephone or telegraph company are to pass, may, by ordinance or otherwise, specify where the posts, piers or abutments shall be located, the kind of posts that shall be used, the height at which the wires shall be run: and such company shall be governed by the regulations thus prescribed; and after the erection of said telephone or telegraph lines, the said mayor and aldermen, or board of common council, and the trustees of any incorporated town, shall have power to direct any alteration in the location or erection of said posts, piers or abutments, and also in the height at which the wires shall run, having first given such company or its agents opportunity to be heard in regard to such alteration. [R. S. 1899, Sec. 1260].

ARTICLE XXV.**RAILROADS.****SECTION**

1. Railroad to pave street crossings, when.

SECTION

2. Notice, when given—cost of construction to be collected, how.

SECTION 1. Railroad to pave street crossings, when.—Whenever any city, town or village in this state, whether acting under special charter or organized under the general incorporation laws relating to cities, towns and villages, shall, by ordinance duly enacted, order any street, alley, avenue, public highway or sidewalk now existing therein, or which may hereafter be created and opened for public use, or any part or parts thereof, to be graded, constructed, reconstructed, paved, guttered, curbed or otherwise improved or repaired, it shall be the duty of every railroad corporation owning, operating or leasing any railroad which crosses, abuts or adjoins any such street, alley, avenue, public highway or sidewalk, to grade, construct, reconstruct, pave, gutter, curb or otherwise improve and repair the part or parts of said street, alley, avenue, public highway or sidewalk upon which the right of way of said railroad so crosses, abuts or adjoins, to the same extent, of like materials and of as good quality, as such city, town or village has required, or shall in such ordinance require, of the other property owners abutting upon said street, alley, avenue, public highway or sidewalk in the grading, constructing, reconstructing or otherwise improving or repairing of said street, alley, avenue, public highway or sidewalk. [Laws of 1905, page 100].

SEC. 2. Notice, when given—cost of construction to be collected, how.—If any such railroad corporation fail, neglect or refuse to grade, construct, reconstruct, pave, gutter, curb, or otherwise improve or repair any such street, alley, avenue, public highway or sidewalk, or part or parts thereof, as provided in the foregoing section, the city, town or village ordering any such work to be done, or the authorities thereof having legal control

or charge of said street, alley, avenue, public highway or sidewalk therein, shall notify such railroad corporation to grade, construct, reconstruct, pave, gutter, curb, or otherwise improve or repair the part or parts of any such street, alley, avenue, public highway, or sidewalk in accordance with the terms of the ordinance requiring the same to be done, which notice shall be in writing and shall be served by delivering a copy of the same to the station agent of said railroad corporation nearest to the street, alley, avenue, public highway or sidewalk over or upon which said railroad crosses, abuts or adjoins. Upon the service of such notice, if such railroad corporation fail, neglect or refuse to grade, construct, reconstruct, pave, gutter, curb or otherwise improve or repair any such street, alley, avenue, public highway or sidewalk, as above provided, within thirty days from the service of said notice, said city, town or village, or the authorities thereof having in charge the streets, alleys, avenues, public highways or sidewalks therein, may proceed to grade, construct, reconstruct, pave, gutter, curb or otherwise improve or repair said street, alley, avenue, public highway or sidewalk, as in said ordinance required, and shall be entitled to recover double the amount expended, together with all costs, in the name of the city, town or village, or other competent authority, at whose expense the work was done, in any court of competent jurisdiction, from such railroad corporation so failing, neglecting or refusing to perform the same. [Laws of 1905, page 100].

ARTICLE XXVI.

STREET RAILWAYS.

SECTION

1. Street railways, how constructed.
2. May change motive power.
3. Limitations of powers, etc.
4. Right of way, how and when granted.
5. Damages defined.
6. Act applies to all street railways.
7. Statement by officer of street railway company of length of line to state auditor.

SECTION

8. Subject to assessment and taxation as other railroad property.
9. Inconsistent acts repealed.
10. Street railroads, city shall have no power to grant use of street, etc., except on petition of more than one-half of property owners, etc.

SECTION 1. **Street railways, how constructed.**—The city may, by ordinance, direct and control the laying and constructing of street railways in the streets, avenues, highways and alleys of the city, and require such street railways and all parts thereof to be so constructed and laid and kept in repair as to interfere as little as possible with the ordinary travel and use of the streets, avenues, highways and alleys, and require the space between the rails and eighteen (18) inches on the outside thereof to be macadamized or paved as the roadway beyond such limits may be paved and to be kept in repair by the street railway company owning or using such street railway. The city shall cause to be issued tax bills against said street railway company for such macadamizing, paving or repairs in like manner and like effect as other tax bills are issued for macadamizing and paving, and they shall constitute a lien upon the road bed and other property of such street railway, provided such street railway company shall have the privilege at any time before an ordinance is placed before the common council for such macadamizing or paving, or before a contract is let for such repairs of causing such work to be done according to the specifications, approved by the board of public works, and the construction thereof to be under the supervision of the same, this section to apply to street railways already constructed, or those hereafter to be constructed; but this section shall not be construed to authorize the city council to amend or in any manner to interfere with the franchises heretofore

granted to any street railway company of said city, nor shall said city council grant the right of way over or along any street in said city to any street railway company for the construction of said railways without the consent of the property owners owning a majority in front feet of the property fronting on such street where such road is proposed to be constructed, nor shall any street railway hereafter be constructed or laid down without such consent. [Laws of 1905, page 76]. (a)

SEC. 2. Street railroads may change motive power.—Every street railroad company in any city of this state which, by its charter or articles of association, is or may be only authorized to use horse power for its operation, is hereby empowered to also use such other motive power for that purpose as it has been or may be permitted by the ordinances of such city to use. [R. S. 1899, Sec. 1355].

SEC. 3. Limitation of municipal authority.—The legislative authority of no incorporated town or city of this state shall have the power to grant to any person or city corporation the right to construct and operate on, over or under any street or alley of any incorporated town or city any elevated, underground or other street railroad without compliance with the conditions hereinafter named. [R. S. 1899, Sec. 6115].

SEC. 4. Right of way, how and when granted.—Before granting any franchise for constructing and operating any elevated, underground or other street railroad on, over or under any street or alley of any incorporated town or city the authorities of such town or city shall, by ordinance duly enacted, establish the route and clearly define the terms and conditions of such franchise, and locate all depots, stations, turnouts and switches of such railroad. The party to which said franchise may be granted shall be an incorporated company, organized under the laws of this state, to construct, maintain and operate a street railroad in the town or city by which such franchise is granted. Before taking or damaging any property in the construction of a railroad under such franchise the said corporation shall cause to be ascertained and determined the damages that will be done by the

(a) Street railway company has right to remove track and avoid liability for street paving: *The Brick and Terra Cotta Co. v. Hull*, 49 App. 433.

building and operation of such railroad to the real and personal property situated on the route fixed by the ordinance defining said franchise, and shall pay to the owner or owners of the real and personal property so affected, or into court for them, the amount of their respective damages. In case the said corporation fails to agree with the owners thereof for the proper compensation for the damages done or likely to be done or sustained by reason of the construction and operation of said railroad, or if, by reason of the legal incapacity of any such owner, no compensation can be agreed upon, the circuit court having jurisdiction over the town or city granting such franchise, or any judge thereof in vacation, on application of said corporation, shall appoint three disinterested freeholders of such town or city, who shall give personal notice to all owners or their agents of property affected, if they can be found, as well as ten days' notice by advertisement in the newspapers doing the printing of such town or city, of their time and place of meeting; and the said commissioners, having been first duly sworn to perform their duties justly and impartially and a true report to make, shall fully examine into the construction and operation of said railroad and its effects upon the real and personal property damaged thereby, making just allowances for the advantages which may have resulted or which may result to the owner or owners of property for which damages may be claimed or allowed, and after such comparison shall estimate and determine how much damages, if any, such property may have sustained or seems likely to sustain by reason thereof, and make report of the same at the existing or following term of court, and if no exceptions be filed within ten days thereafter, or in the event exceptions are filed and overruled, the court shall confirm the report and enter judgment thereon, including five dollars per day to each commissioner: from which judgment either or any party shall be entitled to an appeal or writ of error, as in other cases. If the proceeding seek to affect the property of persons under guardianship the guardians must be made parties, and if the property of married women, their husbands must be made parties. The petition shall set forth the general nature of the franchise granted, the nature of railroad to be constructed and operated, causing or likely to cause damage to private property for public use, together with all facts necessary to give the court jurisdiction in the premises, the names of owners of the several parcels of land and personal property to be

affected thereby, if known, or, if unknown, a correct description of the property or interests whose owners are unknown. The petition may be presented to the circuit court when in session, or to any judge thereof in vacation. Upon filing the petition a summons shall be issued giving the defendants at least ten days' notice of the time when said petition will be heard, which summons shall be served in the same manner as writs of summons are or may be by law required to be served. If the name or residence of any defendant be unknown, or if any defendant does not reside within this state, notice of the time of hearing the petition, reciting the substance of the petition and the day fixed for the hearing thereof, shall be given by publication for four consecutive weeks prior to the hearing of the petition in the paper doing the town or city printing, and the court or judge thereof, being satisfied that due notice of the pending of the petition has been given, shall make the appointment of said commissioners. The report of the commissioners to the circuit court shall be in writing and under oath, and filed with the clerk thereof, and the damages allowed to each owner of property affected shall be separately stated. The report of the commissioners may be reviewed by the circuit court on written exceptions filed by any party in the clerk's office within ten days after filing of such report, and the court shall make such order therein as right and justice may require, and may order a new appraisement on good cause shown, but the hearing of such exceptions shall be summary, and the court shall fix a day therefor without delay. The costs of the proceedings up to and including the filing of the commissioners' report shall be paid by the said corporation, but all costs caused by any subsequent litigation shall be paid by the losing party. All damages found by said commissioners shall, within thirty days after filing of their report, be paid to the owners of the property damaged, or into court for them, by the said corporation, and if the same is not so paid as aforesaid said railroad shall not be constructed. [R. S. 1899, Sec. 6116]. (b)

(b) City cannot confer on company the exclusive right to use of streets: *Railway v. Railway*, 111 Mo. 666; *Railroad v. Railroad*, 97 Mo. 457; *Railway v. Railway*, 132 Mo. 34; *Grand Av. Ry. Co. v. Citizens Ry. Co.*, 148 Mo. 665.

Construction of single track does not exhaust power or preclude change to double track: *Ransom v. Railway*, 104 Mo. 375.

Rate of speed may be governed by ordinance: *Weber v. K. C. Cable Co.*, 100 Mo. 194; *Gratoit v. Railway*, 116 Mo. 450; *Ruschenberg v. Southern Electric Railroad Co.*, 161 Mo. 70.

SEC. 5. Damages defined.—Damages in this article are hereby defined to be the depreciation in the value of the property that may result from the construction and operation of the proposed railroad. [R. S. 1899, Sec. 6117]. (c)

SEC. 6. Article to apply to pending application.—This article shall apply to all applications for franchises from towns or cities to construct and operate any elevated, underground or street railroad made under or in pursuance of any existing law, whether such application is hereafter made, or may have heretofore been made, but not at the passage of this article, finally acted upon by the municipal authorities. [R. S. 1899, Sec. 6118].

SEC. 7. Chief officer of street railroad company required to make statement to the auditor of length of line of railroad used.—On or before the first day of January in each year the president or other chief officer of every street railroad company in every city of this state whose line is now or shall hereafter become so far completed and in operation as to run horse cars, electric cars, cable cars or cars propelled by any other device for the transportation of passengers shall furnish to the state auditor a statement, duly subscribed and sworn to by said president or other chief officer, before some officer authorized to administer oaths, setting out in detail the full length of the line, so far as completed, including branch or leased lines, the entire length in this state, the length of double or side tracks, the length of such line located upon real estate to which such company may have title as right of way, the length of such line located upon the public streets or thoroughfares of any city, together with all cars, motors, grip cars, live stock, electric trolley wires, cables, cable conduits, power houses, stables and all other property, real, personal or mixed, owned, used or leased on the first day of June, which may

As to right of presumption on the part of traveler on street that cars will be propelled in obedience to laws and ordinances: *Jennings v. Railway*, 112 Mo. 268; *Eswin v. Railway Co.*, 96 Mo. 290; *Hutchinson v. Railway Co.*, 161 Mo. 246.

(c) *Railway company liable to abutting property owner for changing grade: Sheehy v. Cable Ry.*, 94 Mo. 574; *Davis v. Missouri Pacific Railway Co.*, 119 Mo. 180.

Proper construction of street railway does not damage property within meaning of the constitution: Ransom v. Citizens Ry. Co., 104 Mo. 375; *Placke v. W. D. R. R. Co.*, 140 Mo. 634; *Ruckert v. Grand Ave. Ry. Co.*, 163 Mo. 279.

be used in or incident to the operation of such street railroad, the length of such line in each county, municipal township and city through or in which it is located, and the cash value of the several items embraced in the statement. [R. S. 1899, Sec. 9353].

SEC. 8. Property so returned subject to assessment and taxation as other railroad property.—The said property returned to the state auditor, as by section 7 of this article required, shall be subject to taxation for state, county, municipal and other purposes to the same extent as the real and personal property of private persons, and the same shall be assessed, apportioned, certified and the taxes thereon levied and collected at the time and in the manner in which is now or may hereafter be provided by law for the assessment and taxation of other railroad property. [R. S. 1899, Sec. 9354].

SEC. 9. Inconsistent acts repealed.—It being the purposes of the two preceding sections to make the property of street railroads in cities assessable and taxable in the same manner which is now or may hereafter be provided by law for the assessment and taxation of other railroad property, all acts and parts of acts inconsistent or in conflict herewith are hereby repealed. [R. S. 1899, Sec. 9355].

SEC. 10. Street railroads, city shall have no power to grant use of street, etc., except on petition of more than one-half of property owners, etc.—The municipal assembly, city council or board of trustees of any incorporated city in this state shall have no power to grant the use of, or the right to lay down any tracks in any street of the city, to any railroad company, or to any steam, dummy, electric, cable, horse or other street car company, whether the same shall be incorporated under any general or special law of the state now or hereafter in force, except upon the petition of the owners of the land representing more than one-half of the frontage of the street or so much thereof as is sought to be used for railroad or street car purposes; and when the street or part thereof as is sought to be used shall be more than one mile in extent no petition of land owners shall be valid unless the same shall be signed by the owners of the land representing more than one-half of the frontage of each mile, and of

the fraction of a mile, if any, in excess of the whole mile, measuring from the initial point named in such petition, of such street or part thereof sought to be used for such purpose: Provided, that this section shall not be construed to prevent granting authority to a railroad company to lay a spur track or sidetrack to any manufacturing establishment or wholesale house when desired by the parties owning such manufacturing establishment or wholesale house: Provided, however, that nothing in this section shall be construed so as to prohibit the municipal assembly, city council or board of trustees of any such city from granting a renewal of any franchise now in force, to the extent of the present mileage granted for such franchise. [R. S. 1899, section 6119].

ARTICLE XXVII.

BURIAL GROUND.

SECTION

1. City may hold and protect
burial grounds.

SECTION

2. Cemetery lots conveyed by
deed, by whom signed.

SECTION 1. City council may protect cemeteries outside city limits.—Any town, city or village in the state of Missouri may purchase, receive and hold real estate within or outside such city, town or village for the burial of the dead, and may lease, sell or otherwise dispose of the same. And the council of said cities, towns and villages may make rules and pass ordinances imposing penalties and fines not exceeding one hundred dollars, regulating, protecting and governing cemeteries outside of said cities, towns and villages, the owners of lots therein, visitors thereto, and punishing trespassers thereon to the extent as though such cemeteries were inside the corporate limits of such cities, towns and villages; and the officers of said cities, towns and villages shall have as full jurisdiction and power in the enforcing of said rules and ordinances as though they related to such city, town or village itself. [R. S. 1899, Sec. 5220].

SEC. 2. Cemetery lots, conveyed by deed, etc.—The cemetery lots owned by such city, town or village shall be conveyed by deed signed by the mayor of said city, town or village, duly attested by the city clerk, and shall vest in the purchaser, his or her heirs and assigns, a right in fee simple to such lot for the sole purpose of interment under the regulations of the council. [R. S. 1899, Sec. 5221].

ARTICLE XXVIII.**RIOT—DAMAGE BY.****SECTION**

1. Rioter liable for damages.
2. City liable for acts of rioters.

SECTION

3. City not liable, when.
4. City may recover from rioter.

SECTION 1. Liability for connection with riotous assemblage.—Any person or persons forming part of an unlawful or riotous assemblage shall be liable for any damage to person or property caused by the acts of such assemblage, or of any person or persons unlawfully connected therewith. [R. S. 1899, Sec. 6105].

SEC. 2. Certain cities liable for damages by riots.—Any city of the first class or of the second class in which such acts shall be committed shall be liable to the person or persons whose property shall be destroyed or injured thereby for the value of the property so destroyed, or the damage thereto, and the same may be recovered by suit at law, without joining any person or persons with said city or town as defendants in said suit. [R. S. 1899, Sec. 6106].

SEC. 3. Construction of this article.—This article shall not be so construed as to make any city or town liable for the destruction of, or for any damage to, any property occupied or used with the consent or knowledge, or by the culpable negligence of the owner, in a manner or for a purpose prohibited by the laws of the state or of the United States, or in violation of the ordinances of such city or town, nor for the destruction of or any damage to any property belonging to a person engaged in or unlawfully connected with any such assemblage. [R. S. 1899, Sec. 6107].

SEC. 4. Damages paid by city, recoverable from those engaged in riot.—Any city or town paying the value of property so destroyed or such damages thereto may, by suit at law, recover the same, with 10 per cent added, and interest and costs, of any person or persons engaged unlawfully in such assemblage, or having aided or abetted the same. [R. S. 1899, Sec. 6108].

ARTICLE XXIX.

DAMAGES—ACTION FOR PERSONAL INJURIES.

SECTION

1. Suits for damages against cities of second class—who shall be parties thereto—judgments, of whom collected.

SECTION

2. Notice to be given in suits for personal injuries.

SECTION 1. Suits for damages against cities of second class—who shall be parties thereto—judgments, of whom collected.—

Whenever any city of the second class shall be made liable to an action for damages by reason of the wrongful act, negligence, carelessness or unskillfulness of any person or corporation, and such person or corporation shall also be liable to an action on account thereof by the party so injured, the injured party, if he sues such city for damages, shall also join such other person or persons or corporations so liable if residing in this state, and no judgment shall be rendered against such city unless judgment be rendered against such other person or corporation so liable to be sued as aforesaid; and if any action be brought against the city alone, and it is made to appear that any person or corporation ought to be joined as a defendant in the suit, according to the provisions of this act, then the plaintiff shall be non-suited; but no person shall be liable under this act to be sued jointly with the city who would not be liable to be sued separately, irrespective of its provisions. When a judgment shall be obtained against the city and the other party liable as aforesaid, execution shall issue against all the defendants in the ordinary form, but shall be first enforced and collected of the other defendants, and shall not be collected of the city unless the other defendants are so insolvent that the same can not be made out of them, and in that case such city shall pay only so much of the judgment as cannot be made out of the other defendants, and upon payment of the whole or any part of the judgment the city shall thereupon become the owner of such judgment to the extent of such pay-

ment, and may enforce the payment thereof by execution against the other defendant or defendants. [R. S. 1899, Sec. 5723]. (a)

SEC. 2. Notice to be given in suits for personal injuries.—No action shall be maintained against any city of the second class on account of any injuries growing out of any defect in the condition of any bridge, street, sidewalk or thoroughfare in said city, unless notice shall first have been given in writing, verified by affidavit, to the mayor of said city, within sixty days of the occurrence for which such damage is claimed, stating the place where, the time when such injury was received, and the character and circumstances of the injury, and that the person so injured will claim damages therefor from such city. [R. S. 1899, Sec. 5724]. (b)

(a) *Waltemeyer v. Kansas City*, 71 App. 354; *Mancuso v. Kansas City*, 74 App. 138; *Wiggin v. St. Louis*, 135 Mo. 558; *Wiethaupt v. St. Louis*, 158 Mo. 658.

(b) The service of the statutory notice upon the mayor is a condition precedent to the maintenance of the suit: *Lyons v. City of St. Joseph*, 87 S. W. Rep. 588.

Not necessary that the notice state all the facts with reference to the defective sidewalk, or as to plaintiff's injuries, but is sufficient, if it states only the time and place and the character and circumstances of the injury: *Reno v. City of St. Joseph*, 169 Mo. 642; *George v. Edelbrock*, 97 Mo. 56.

ARTICLE XXX.

REGISTRATION.

SECTION

1. Registration in cities of 25,000 and less than 100,000 inhabitants.
2. Who may be registered.
3. County clerk to provide registration book; oath; form of book.
4. Appointment of registrar; his powers; election of registrar; his qualifications; vacancies.
5. Qualifications of voters; challenges; rejected ballots.
6. County clerks to deliver registration books to registering officers.
7. Days of, places for, and notice of registration.
8. Deputy registrars.
9. Board of revision; change of residence.
10. Absent voters—registered how.
11. Hours of registration.
12. County clerk to deliver original registration book and copy.
13. Duties of clerks of election; return of books.

SECTION

14. Pay of registration officers; expenses.
15. Elections, how conducted.
16. Additional lists to be furnished by county clerk.
17. Circuit courts to have supervisory control of registration.
18. Special registration, day of.
19. Additional registration, etc.
20. Voting precincts; duty of common council.
21. Registrar not to be candidate.
22. Restrictions on registration.
23. Corrupt registration; refusal to register qualified voters, penalty on registrar.
24. Challenge by registrar, proceedings.
25. Destroying, or taking by violence, registration book, penalty.
26. Justice of county court failing of duty, penalty.

SECTION 1. Registration in cities of 25,000 and less than 100,000 inhabitants.—There shall be a registration of all the qualified voters in cities having a population of twenty-five thousand inhabitants and less than one hundred thousand inhabitants, whether organized under general law or special charter, which registration shall be had under the provisions of this article; and for the purpose of ascertaining or determining the population of cities within this state that may have a population of at least twenty-five thousand and less than one hundred thousand, the aggregate vote cast for the first candidate on each ticket voted for at the last preceding presidential election in such cities, shall be multiplied by five, and the product shall be deemed to be the number of inhabitants in such city. [R. S. 1899, Sec. 7197].

SEC. 2. Who may be registered.—Every male citizen of the United States, and every person of foreign birth who may have declared his intention to become a citizen of the United States according to law not less than one year nor more than five years before he offers to vote, who is over the age of twenty-one years, who has resided in this state one year next preceding the election at which he offers to vote, and during the last sixty days of that time shall have resided in the city, and during the last ten days of that time in the ward at which he offers to vote, who has not been convicted of bribery, perjury or other infamous crime, nor directly interested in any bet or wager depending upon the result of the election, nor serving at the time in the regular army or navy of the United States, shall be entitled to vote at such election for all offices, state or municipal, made elective by the people, or at any other election held in pursuance of the laws of this state; but he shall not vote elsewhere than in the election precinct where his name is registered and whereof he is registered as a resident. [R. S. 1899, Sec. 7198]. (a)

SEC. 3. County clerk to provide registration book—oath—form of book.—The clerk of the county court for general or special election in cities of twenty-five thousand and less than thirty thousand inhabitants in this state shall provide a suitable registration book for each election district in their several cities, which shall have written or printed therein the following oath: "We, the undersigned, do solemnly swear (or affirm) that we will support the constitution of the United States and of the state of Missouri; and we do further swear (or affirm) that we have not registered in any other election district, that we and each of us have given our true names and place of residence as hereto subscribed." The registration books and the registration lists of poll books, as hereinafter provided to be delivered to the judges of election, shall be in the following form:

- (a) Residence a question largely of intention: *Hope v. Flentge*, 140 Mo. 390.

Registration Number.	NAME	No. of the Ballot in the order in which it was received.	RESIDENCE	Peculiar marks of identification.	Voted.	Rejected.

[R. S. 1899, Sec. 7199].

SEC. 4. **Appointment of registrar; his powers; election of registrar; his qualifications; vacancies.**—In all cities of this state which now contain or may hereafter contain twenty-five thousand inhabitants and less than one hundred thousand inhabitants, at each general election for state officers, there shall be elected in each election district of such cities, by the qualified voters of such election district, one registrar of elections, who shall have the qualifications of an elector in his election district, and be an owner of real estate in this state, and who shall hold his office for two years and until his successor is elected and qualified. Said registrars shall have the authority to administer all oaths which may be necessary in the registration of voters. All vacancies occurring in the office of registrar of elections for any election district in such cities shall be filled by the respective city councils of such cities, and whenever any city shall, by law, for the first time come under the operations of this section, the city council of such city shall, not less than ninety days prior to the first municipal or general election held in such city after it shall come under the operation of this section, appoint registrars of elections for each of the election districts of said cities, who shall serve until their successors are duly elected at the next regular election for that purpose and qualified. When any city shall first come under the provisions of this section, and the first election held in such city, after it shall come under its provisions, shall be a municipal election, the registrars herein provided for shall hold a special registration in such city, under the provisions

of this article within forty days next preceeding the tenth day prior to such municipal election. [R. S. 1899, Sec. 7200]. (b)

SEC. 5. Qualifications of voters—challenges—rejected ballots.—Any person having the qualifications of a voter as prescribed in this article, and who shall take and subscribe the oath required of voters by this article, and who applies for registration at the time and in the manner prescribed by law, and any naturalized citizen who shall subscribe to a written statement under oath before the registrar that he is naturalized according to the laws of the United States and of this article, and that his naturalization papers, or evidence of his citizenship have been lost or destroyed, or that the same are not accessible to him, and shall state where he was naturalized, shall be accepted by the registering officer, and duly registered as a qualified voter: Provided, any person registered according to the provisions of this article, when he offers to vote, may be challenged as disqualified by any person who is an elector of this state; and it shall be the duty of the judges of election to try and determine, in a summary manner, before the close of the polls, the qualifications of any person challenged as aforesaid, and upon proof that the person so challenged is not a qualified voter the judges of election shall reject his vote, and they shall state, opposite the name of the person on the registered list of voters whose vote is rejected, the nature of his disqualification and the names of the witnesses upon whose testimony his vote was rejected, but the vote of no person who may be challenged shall be rejected except upon the testimony of two creditable witnesses: And provided further, that the party challenging the right of any person to vote shall swear, before the judges of election at the time of so challenging the vote, that to the best of his knowledge and belief the party (naming him), is not a qualified voter under the laws of this state, and he shall also swear to the reasons which disqualify him from voting: And provided further, that the ballot of such person so rejected shall be preserved and returned with the books and other ballots in a separate envelope marked "rejected ballots," and the clerk of the county shall preserve the same in his office. [R. S. 1899, Sec. 7201].

(b) No voter should be disfranchised on account of a mere irregularity occasioned by the neglect or misconduct of election officers, over whose conduct he has no control, unless the legislature has declared such irregularity fatal: *Sanders v. Lacks*, 142 Mo. 255.

SEC. 6. County clerks to deliver registration books to registering officers.—The clerk of the county court shall deliver, or cause to be delivered, the registration books required by section 3 of this article to the various registering officers of his county at least three days before the time set for any registration, and they shall be returned by such officers to the county clerk, together with a copy thereof, alphabetically arranged, all and each of which duly certified under their hands, within three days after the close of each registration, and be kept by the clerk, subject to public inspection. [R. S. 1899, Sec. 7202].

SEC. 7. Days and places for, and notice of registration.—The county court of each county containing cities of twenty-five thousand and less than one hundred thousand inhabitants shall appoint days of registration, not to exceed five in each election district of said cities, which shall be within forty days next preceding the tenth day prior to every biennial election; the county court of each of said counties shall also appoint, at least ten days before any special or municipal election held in their county, days of registration, not exceeding three, in each election district of said cities for the purposes of such special or municipal election, at which time those who have become entitled to register at the last general registration, but who having for any cause failed or neglected to do so, may register upon compliance with the provisions of this article. All registration of voters under this article shall be held at the place of voting established by the county courts in each election district; and the county court shall give notice of such registration and the places where the same is to be held by publication thereof in a daily newspaper published in said city for ten days next preceding such registration. [R. S. 1899, Sec. 7203].

SEC. 8. Deputy registrars.—Wherever there shall be more than one precinct in any election district in which registration is required to be made under this article the registrars shall appoint one deputy registrar for each additional precinct, who shall be vested with all the powers and duties of the registrar of the district. Each deputy so appointed shall reside in the precinct for which he is appointed; shall have the qualifications of an elector therein, and be an owner of real estate in the state. [R. S. 1899, Sec. 7204].

SEC. 9. Board of revision—change of residence.—On the Friday and Saturday preceding the seventh day before each general election the registrars of each district shall meet at the court house in said city as a board of revision. They shall pass upon the claims of all persons asking to be registered and who shall not have been registered, and also upon all objections to parties who have been registered as qualified voters. They shall add to the list in each precinct the names of such persons as are legally entitled to registration therein, and shall strike therefrom such as have been improperly registered: but the name of no person shall be stricken from the list unless he shall have had at least two days' notice in writing of the time and place his case will be heard: Provided, if objections shall be made at the time the person is registered no notice shall be necessary, but such objection and the name of the objector shall be noted at the time of registration by the registering officer. If any person who has been duly registered removes his residence from the election district in which he is registered to another election district in the same city, not less than ten days previous to the next election following, the registration officer of the district whence he removed shall grant him a certificate of registration, and write the word "removed" opposite his name on the registration book of that district; upon the presentation of his certificate to the board of revision he shall be entered as a registered voter in the district to which he has removed, on or before the day of election, and be entitled to vote in such district. [R. S. 1899, Sec. 7205].

SEC. 10. Absent voters—registered how.—Any voter who is absent from the city on the days of registration on account of business or sickness may have his name placed on the registration list at any time before the board of revision meets by filing with the registrar of the precinct in which he is a voter his affidavit made before some officer authorized by the laws of this state to administer oaths, setting forth the facts that he is a legal voter in such precinct and is entitled to register and vote therein; also stating his place of residence and that he was prevented from registering on the registration days because he was absent from the city on account of business or sickness; and he shall also include in said affidavit the oath that other voters are required to take who register on said registration days. The registrars shall file all affidavits made as aforesaid with the board of revision on

the first day of the meeting of said board; and any objections made to the registering of any person by affidavit as aforesaid shall be passed upon by said board of revision in the same manner as objections to other registered voters. The said board shall, upon the completion of its work, deliver all such affidavits to the clerk of the county court, who shall safely keep the same. [Laws of 1901, page 145].

SEC. 11. Hours of registration.—The registration officers shall, in the discharge of their duties, attend at the places of registration in their respective districts on the days appointed by the county court and by this article, from the hours of eight o'clock in the forenoon until nine o'clock p. m. of each day, and shall, without delay, register all persons as voters who, having the qualifications prescribed by law, present themselves therefor and take the oath required by this article. [R. S. 1899, Sec. 7206].

SEC. 12. County clerk to deliver original registration book and copy.—The county clerk of each county containing cities in which registration may be had under and by virtue of this article shall, on the day before the election for which any such registration was made, deliver to the judges of election appointed under and by virtue of the general law of elections, the original registration book of their respective precincts, together with a copy thereof, heretofore required to be made, and shall take the receipt of one of the judges therefor. [R. S. 1899, Sec. 7207].

SEC. 13. Duties of clerks of election—return of books.—The clerks of the election shall, at the time any person votes or offers to vote, enter the words “voted” or “rejected,” as the case may be, opposite the voter’s name, on the registration books or lists furnished them, in the appropriate column; and at the close of the polls the registration book or lists shall be signed by the judges and attested by the clerks, and the names therein marked “voted” shall be counted and the number set down at the foot of the registration book or list, and any variance between that and the number of ballots counted noted on said books; and the names therein marked “rejected,” or otherwise disposed of, shall be counted and the number set down at the foot of the registration book or list, and any variance between that and the number

of rejected ballots noted in like manner. The registration books shall then be returned to the county clerk in the manner now provided by law for the return of poll books. [R. S. 1899, Sec. 7208].

SEC. 14. Pay of registration officers—expenses.—Each registration officer, including deputies, shall receive for his services, under this article, three dollars per day for each day necessarily occupied in the discharge of his duties, and all other officers shall receive the like fees as now allowed by law for similar services. All expenses incurred under this article shall be paid out of the respective county treasuries. [R. S. 1899, Sec. 7209].

SEC. 15. Elections, how conducted.—All elections in such city shall be conducted in all respects as provided in this article, and subject to all the provisions of the Revised Statutes, entitled “of elections,” so far as the same do not conflict with this article. [R. S. 1899, Sec. 7210].

SEC. 16. Additional lists to be furnished by county clerk.—In case any such city shall desire one or more certified lists of the registered voters resident within their corporate limits, to be used by the judges of the election at any corporate election, the clerk of the county court is directed, on demand of the lawful authorities of such city, to make out and certify such lists, but all expenses thereof shall be paid by the said city. [R. S. 1899, Sec. 7211].

SEC. 17. Circuit courts to have supervisory control of registration.—The circuit courts of the several counties shall have a supervisory control over the registration officers appointed or elected by virtue of this article, and the clerks of the county courts, touching all matters appertaining to the registration of voters. [R. S. 1899, Sec. 7212].

SEC. 18. Special registration, day of.—There shall be a special registration held according to the provisions of this article, commencing on the 31st day of March, 1890, in all the counties of this state containing cities of twenty-five thousand and less than thirty thousand inhabitants for said cities. [R. S. 1899, Sec. 7213].

SEC. 19. **Additional registration, etc.**—Additional registration shall be made for special elections, except elections for school purposes, but after the special registration provided for in the next preceding section shall have been made no special election shall be invalidated because of a failure to make such registration. [R. S. 1899, Sec. 7214].

SEC. 20. **Voting precincts—duty of common council.**—The common council of every city in which registration of voters may be had under and by virtue of any special charter, or under the provisions of this article, may, by ordinance, provide for two or more voting precincts in each ward of such city, and such common council may, by ordinance, make such provisions as to judges and clerks of elections and additional copies of registration lists and the use of such copies at such voting precincts as may be necessary in the premises. [R. S. 1899, Sec. 7215].

SEC. 21. **Registrar not to be candidate.**—No registrar shall be a candidate for any office under the laws of this state at the general or special election for which registration has been made by him. [R. S. 1899, Sec. 7216].

SEC. 22. **Restrictions—illegal registration—penalty.**—No person shall register in any election district other than the one in which he resides at the time of registration. Any person registering under an assumed name, or name other than his own, or who shall register in more than one election district at any registration, or shall wilfully and illegally procure his name to be placed upon the registration lists of voters, when not entitled thereto, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than one hundred nor more than one thousand dollars, or by imprisonment in the county jail not less than six months nor more than one year, or by both such fine and imprisonment. [R. S. 1899, Sec. 7217].

SEC. 23. **Corrupt registration—refusal to register qualified voters—penalty on registrar.**—Any registrar who shall knowingly and corruptly register any person as a voter who is not entitled so to be registered, and any registrar who shall wilfully and maliciously or corruptly refuse to register any person entitled to be registered as a voter shall on conviction thereof be punished

by a fine not to exceed five hundred dollars, or by imprisonment in the county jail not to exceed one year; and shall for ten years thereafter be disqualified from voting at any election held in this state, or from holding any office of honor, profit or trust under the laws of this state. [R. S. 1899, Sec. 7218].

SEC. 24. **Challenge by registrar—proceedings.**—If the right of any person to register as a qualified voter be challenged, or if the registrar doubts the qualifications of any person applying for registration, such person shall file with the registrar his second written statement as to his qualifications as a voter, as prescribed by the provisions of this article, which statement shall be conclusive of the facts therein contained, and shall be returned by the registrar, with his books to the county clerk of the county, and filed and preserved by him. [R. S. 1899, Sec. 7219].

SEC. 25. **Destroying or taking by violence registration book, penalty.**—Whoever shall wilfully and maliciously destroy, mutilate or deface, or take by violence from any registrar, judge of election, county clerk or other proper custodian, or steal, take and carry away from its proper custodian any book of registration or list of voters required by this article to be made or kept, shall, on conviction thereof, be punished by imprisonment in the county jail not more than twelve months, or by a fine not exceeding five hundred dollars, or by both such fine and imprisonment. [R. S. 1899, Sec. 7220].

SEC. 26. **Justice of county court failing of duty, penalty.**—Any justice of the county court, or any other officer who shall be charged with the performance of any duties appertaining to the registration of voters who shall wilfully and corruptly fail or refuse to perform the same shall be deemed guilty of a misdemeanor in office. [R. S. 1899, Sec. 7221].

ARTICLE XXXI.

DRAMSHOPS.

SECTION

1. Dramshop-keeper defined.

SECTION

2. No license to be granted without petition.

SECTION 1. **Dramshop keeper defined.**—A dramshop keeper is a person permitted by law, being licensed according to the provisions of this article, to sell intoxicating liquors in any quantity, either at retail or in the original package, not exceeding ten gallons. [R. S. 1899, Sec. 2990]. (a)

SEC. 2. **No license to be granted without petition.**—It shall not be lawful for any county court in this state or clerk thereof in vacation, or any other authority to grant any license to keep a dramshop in any town or city containing two thousand inhabitants or more until a majority of the assessed taxpaying citizens and guardians of minors owning property in the block or square in which the dramshop is to be kept shall sign a petition asking for such license to keep a dramshop in such block or square in such town or city: nor in any city containing less than two thousand inhabitants, nor in any incorporated town or municipal township until a majority, both of the assessed taxpaying citizens and guardians of minors owning property therein and in the block or square in which the dramshop is to be kept shall sign a petition asking for such license to keep a dramshop therein, which said petition shall be filed in the office of the clerk of the county court not less than ten (10) days before the first day of the court to which it is to be presented and remain on file for public inspection, and by said clerk laid before the court at the first term thereafter, and all dramshop license issued contrary to the provisions of this section shall be void: Provided, said petition shall be in force and effect for a period of one year from the date of

(a) An incorporated club is not a "person" within the meaning of the dramshop act regulating the sale of intoxicating liquors and requiring a "person" to take out license as a dramshop keeper: The State ex rel. v. The St. Louis Club, 125 Mo. 308.

the granting of the first license thereon and no longer, and no license shall continue in force longer than the petition upon which it is granted: Provided, no minor shall be counted on said petition or against said petition, and that no person or persons to whom any real estate or other property has been deeded, transferred, conveyed or donated for the purpose of making him or them eligible to sign such a petition shall be counted for or against such petition: Provided, that in all cities of the second class no license shall be granted unless the petition therefor shall have endorsed thereon the approval of the mayor and president of the board of police commissioners of such city. [Laws of 1903, page 170].

ARTICLE XXXII.**PLUMBING.****SECTION**

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| <ol style="list-style-type: none">1. Application of act.2. Creating board for the examination of plumbers.3. Plumbers required to pass examination for license.4. Who shall constitute board.5. Mayor shall appoint members of board.6. Duties of board. | <ol style="list-style-type: none">7. Organization of board.8. Powers of board.9. Fee for examination—renewal of certificate.10. City shall, by ordinance, provide for regulating the business of plumbing.11. Penalty for violation of law. |
|---|---|

SECTION 1. Application of act.—Any person, firm or corporation desiring to engage or continue in the business of plumbing or drain laying, either as a master plumber or as a journeyman plumber, or as a plumbing inspector in any city or town in this state having a population of fifty thousand or more inhabitants shall first comply with the provisions of this act. [Laws of 1903, page 82].

SEC. 2. Creating board for the examination of plumbers.—There shall be in every such city or town a board of examiners which shall be known as the board for the examination of plumbers. [Laws of 1903, page 82].

SEC. 3. Plumbers required to pass examination for license.—Every person desiring to engage in or work at the business or trade of plumbing, except apprentices working with duly licensed plumbers, shall first be examined by and obtain from said board a certificate of his qualification and fitness to carry on and work at the business or trade of plumbing. [Laws of 1903, page 83].

SEC. 4. Who shall constitute board.—In all cities or towns provided for in this act said board shall be composed of the following persons:

1st. The chief plumbing inspector of said city or town, who shall be chairman ex officio, and who shall serve on the said board without pay.

2nd. One master or employing plumber and one journeyman plumber, each of whom are residents of, and shall have resided in said city or town for at least three years next before their appointment, and who shall have been actively engaged at the business or trade of plumbing for not less than five years, which two members shall be appointed by the mayor of said city or town, and shall hold their respective offices at the pleasure of the mayor of said city or town, whose compensation shall be fixed by ordinance of said city or town, to be paid out of the general revenue of said city or town. [Laws of 1903, page 83].

Sec. 5. **Mayor shall appoint members of board.**—It shall be the duty of the mayor of the cities or towns provided for in this act, within thirty days after the provisions of this act shall take effect, to make the appointments therein provided for, and to call a meeting of said board within ten days thereafter for the purpose of organizing said board, and to have the provisions of this act enforced. [Laws of 1903, page 83].

Sec. 6. **Duties of board.**—It shall be the duty of the members of said board, when notified by the mayor of said city or town, to meet and organize, adopt rules to carry into effect the provisions of this law, and designate the times and places of meeting for the examination of applicants as to their practical and mechanical knowledge of plumbing, house drainage and plumbing ventilation; and upon satisfactory proof of the qualification and fitness of the applicant shall so certify to the chief supervisor or inspector of plumbing of said city or town. Said board shall thereupon issue a license to such applicant authorizing him to engage in or work at the business or trade of plumbing or drain-laying as a master or employing plumber or as a journeyman plumber. [Laws of 1903, page 83].

Sec. 7. **Organization of board.**—The board shall elect one of its members secretary, whose duties shall be to keep a record of the business transacted by the board, and to account for all moneys collected by him, and who shall be required to execute a bond to said city or town in the sum of one thousand (\$1,000.00) dollars, to be approved by the mayor of said city. [Laws of 1903, page 83].

SEC. 8. Powers of board.—The board shall have the power to revoke any license issued by it upon satisfactory proof that the holder of said license has violated any of the provisions of this act or any city ordinance intended to carry the provisions of this act into effect, or for violation of any rule of said board, and if any such license shall be revoked, the same shall not be reissued within six (6) months thereafter. If any person, firm or corporation be charged with violation of any of the provisions of this act, it shall be the duty of the secretary of the board to serve a copy of said charges in writing on the person, firm or corporation so charged and notify him to appear on a day certain before said board and show cause why his license should not be revoked. [Laws of 1903, page 83].

SEC. 9. Fee for examination—renewal of certificate.—The examination fee for a master or employing plumber shall be two (\$2.00) dollars. The fee for a journeyman plumber shall be two (\$2.00) dollars, which fee shall be paid to the secretary of said board when the applicant for a license files his application for examination. All fees so paid to the secretary shall be paid by him to the treasurer of said city or town. Any license issued by any such board shall be valid throughout this state, and each license so issued shall be renewed annually upon the payment to the secretary of the board renewing the same a fee of one (\$1.00) dollar, and the same may be renewed by any board created by this act. [Laws of 1903, page 84].

SEC. 10. City shall, by ordinance, provide for regulating the business of plumbing.—Every city or town provided for in this act shall, by ordinance or by regulation of its board of health, within six (6) months from and after the passage of this act, provided said city or town now has no such ordinance or rule as hereinafter described, prescribe rules and regulations for the materials, construction, alteration and inspection of all pipes, faucets, tanks, valves and other fixtures by and through which water is to be carried into any building or by and through which any waste water or sewerage is to be used and carried out of and away from any building and provide that no such pipes, tanks, faucets, valves, connections and other fixtures shall be placed in any building in such city or town, except in accordance with the plans which shall be approved by the ordinance of such city or town,

and shall provide that no plumbing or drain-laying shall be done in such city or town, except in case of repairing leaks, without a permit having first been issued therefor authorizing such work to be done in the manner prescribed by the ordinance of such city or town, and in all such cities or towns there shall be one or more plumbing inspectors who shall, if not otherwise provided for by ordinance, be appointed by the mayor of such city or town, and such inspectors shall be duly licensed plumbers, and whose duties, term of office and compensation shall be fixed by the ordinance of such city or town. [Laws of 1903, page 84].

SEC. 11. **Penalty for violation of law.** Any person, firm or corporation, or the agent or officer of any such person, firm or corporation who shall violate, or cause or permit to be violated any of the provisions of this act, shall be deemed guilty of a misdemeanor and upon conviction therefor shall be fined not less than ten (\$10.00) dollars nor more than one hundred (\$100.00) dollars for each offense. [Laws of 1903, page 84].

ARTICLE XXXIII.

MISCELLANEOUS PROVISIONS.

SECTION

1. Persons charged with collection of money shall pay same over to city treasurer.
2. Ordinances and proceedings, how proved.
3. Repeal of acts, how construed.
4. Warrants to issue for violation of ordinances.
5. Who to be conservators of the peace.
6. Justice of the peace may act as judge of the police court.

SECTION

7. Officers to hold until successors are qualified.
8. City to give bond on taking appeal.
9. Cannot sanction or license bawdy house or gambling.
10. Smoke abatement—penalties.
11. Cities empowered to enforce act by ordinance.
12. Public utilities disposed of, how.
13. Work to be let by contract.

SECTION 1. Payments to the treasurer.—All persons charged with the collection of money under the charter and ordinances of the city shall promptly pay the same over to the city treasurer, under such penalty as may be prescribed by ordinance, and the treasurer shall issue duplicate receipts therefor, one of which shall be handed by the person receiving the same forthwith to the auditor, and the other shall be countersigned by the auditor before it shall be valid for any purpose in favor of such persons receiving the same. [R. S. 1899, Sec. 5571].

SEC. 2. Ordinances, authentication of.—All ordinances, resolutions and proceedings of the city may be approved by the seal of the corporation, attested by the officer having charge thereof, and when printed and published by authority of the corporation the same shall be received in evidence in all courts and places without further proof. [R. S. 1899, Sec. 5694].

SEC. 3. Effect of this article on accrued rights, etc.—The repeal of any act by the provisions of this article shall not in anywise be so construed as to affect any right or liability acquired or accrued thereunder, by or on the part of the city or any person or body corporate. [R. S. 1899, Sec. 5695].

SEC. 4. Warrant to issue, when.—A warrant shall issue in all cases in favor of such city for a violation of any ordinance,

by-law or other regulations when any person shall make oath or affirmation that such violation has been committed, or upon information by the city attorney. [R. S. 1899, Sec. 5696].

Sec. 5. Certain officers conservators of the peace.—The mayor, aldermen, chief of police, and all police officers shall be conservators of the peace, and all officers of the city created conservators of the peace under this article, or authorized by any ordinance, shall have power to arrest or cause to be arrested, with or without process, all persons who shall break the peace, or be found violating any ordinance of the city or laws of the state, commit for examination, and, if necessary, detain such person over night, or on the Sabbath, in the city prison, or any other safe place, or until they can be brought before the judge of the police court, or other proper officer, and shall have and exercise such other powers as conservators of the peace as the common council may prescribe. [R. S. 1899, Sec. 5697].

Sec. 6. When justice may act.—In case of the sickness or absence from the city of the judge of the police court some justice of the peace, resident within the city, to be designated by said judge of the police court, or upon his failure to designate, then by the mayor, shall perform the duties of judge of the police court, and judgments rendered by such justice, so acting, shall have the same force and effect as the judgments of the judge of the police court. [R. S. 1899, Sec. 5698].

Sec. 7. Tenure of present incumbents.—All persons now in office in said city shall hold their offices until their successors are elected or appointed and qualified, as herein provided. [R. S. 1899, Sec. 5699].

Sec. 8. City to give bond on appeal. Such city, in taking an appeal or prosecuting a writ of error in any judicial proceeding, shall give bonds, as required by law: but it is hereby released from the obligations of law to furnish security therefor. All such bonds shall be executed by the mayor, and shall be taken in all courts of this state as a full compliance with the law in such cases, and all acts and parts of acts inconsistent with this provision are hereby repealed. In all actions brought by or against such city the inhabitants of the city may be jurors or witnesses, if otherwise competent and qualified. [R. S. 1899, Sec. 5700].

SEC. 9. Gambling and bawdy houses prohibited—penalty.—Every person who shall set up or keep a common gaming house, or bawdy house or brothel or house of assignation, shall, on conviction, be adjudged guilty of a misdemeanor and punished by a fine not less than two hundred nor exceeding one thousand dollars: and it shall not be lawful for any county, township, city or town in this state, directly or indirectly, to license, regulate or place under the sanction of law gambling or gaming houses, bawdy houses or brothels, or houses of ill fame or assignation, under any pretenses whatever. [R. S. 1899, Sec. 2197].

SEC. 10. Smoke abatement—penalties.—The emission or discharge into the open air of dense smoke within the corporate limits of cities of this state which now have or may have hereafter a population of one hundred thousand inhabitants is hereby declared to be a public nuisance. The owners, lessees, occupants, managers or agents of any building, establishments or premises from which dense smoke is so emitted or discharged shall be deemed guilty of a misdemeanor, and upon conviction thereof, in any court of competent jurisdiction, shall pay a fine of not less than twenty-five dollars, nor more than one hundred dollars. And each and every day whereon such smoke shall be emitted or discharged shall constitute a separate offense: Provided, however, that in any suit or proceeding under this act it shall be a good defense if the person charged with a violation thereof shall show to the satisfaction of the jury or court trying the facts that there is no known practicable device, appliance, means or method by application of which to his building, establishment or premises the emission or discharge of the dense smoke complained of in that proceeding could have been prevented. [Laws of 1901, page 73].

SEC. 11. Cities empowered to enforce act by ordinance.—All cities to which the provisions of this act are applicable are hereby empowered to enact all necessary or desirable ordinances, not inconsistent with the provisions herein, nor the constitution, nor any general law of this state, in order to carry out the provisions of this act. [Laws of 1901, page 74].

SEC. 12. Public utilities disposed of, how.—Before any city of the second class shall sell or dispose of in any way or abandon or cease to operate any electric light plant, waterworks plant,

gas plant, street railway or any other public utility which may be owned by it, it shall first submit the proposition for such sale or disposition or abandonment or ceasing to operate by ordinance to the qualified voters of said city, either at a general election or a special election held for that purpose, and it shall require a majority of the votes cast at said election for and against such proposition to be in favor of the proposition before any authority shall exist for such sale, disposition, abandonment or ceasing to operate. [Laws of 1903, page 67].

SEC. 13. **Work to be let by contract.**—All city improvements of whatever kind or character, including the erection of all public buildings made or to be erected at the expense of said city, shall be let by contract to the lowest and best bidder, and shall be prescribed by ordinance: Provided, that nothing in this section shall be so construed as to prevent the repair, by day's work, of streets, sewers, culverts, buildings or other city property, so far as may be necessary for their preservation, under the direction of the city engineer or other proper officer, when such repairs shall have been ordered to be made by a vote of the common council. [R. S. 1899, Sec. 5693].

ARTICLE XXXIV.**BRIDGES AND TUNNELS.**

SECTION 1. Cities of 100,000 may acquire bridges and tunnels, how.

SECTION 1. Cities of 100,000 may acquire bridges and tunnels, how.—All cities in this state having one hundred thousand inhabitants or over are hereby given the power and authority to build or acquire by purchase, lease, gift or otherwise, within their corporate limits or within a reasonable distance outside thereof, a bridge or bridges, or a tunnel or tunnels for public use by railroads, street cars, vehicles of all kinds and pedestrians, over or under rivers and streams in Missouri or those forming a boundary between this and other states, and to acquire, hold, use and retain by purchase, lease, gift or otherwise land to be used for approaches for and in the construction, operation and maintenance of said bridge or bridges, tunnel or tunnels, in this and other states, and to maintain, use and operate said bridge or bridges, tunnel or tunnels, either as toll or free bridges or tunnels, as may by said cities be deemed expedient. [Laws of 1905, page 94].

REVISED ORDINANCES.

CHAPTER I.

ACCIDENTS—EVIDENCE TO BE PRESERVED.

SECTION

1. Policeman to notify chief of accident.
2. Duties of city officers on receipt of notice.
3. Engineer to diagram location, etc.

SECTION

4. Effort to obtain settlement for injury.
5. Blank form to be prepared.

SECTION 1. Policemen to notify chief of accident.—It shall hereafter be the duty of any policeman in the city of St. Joseph to notify the chief of police of any accident or injury to persons or property occurring at any time within the bounds of the beat of such policeman, and the notification of such policeman shall be in writing stating the nature of the accident, the name of the person or kind of property injured, and the time and place at which the accident occurred. [R. O. 1897, Chap. 2, Sec. 1.]

SEC. 2. Duties of city officers on receipt of notice.—Immediately upon receiving the information mentioned in section 1, the chief of police shall transmit a copy thereof to the city counselor, and in case of personal injuries it shall be the duty of the city counselor or his assistant to proceed at once to the place of such accident and ascertain from all available witnesses the manner in which the accident occurred and the cause thereof, if possible, and reduce to writing the names and places of residence of such witnesses, together with the substance of their evidence; and it shall also be the duty of the city physician and the city counselor or his assistant to visit the person injured and ascertain the nature and extent of the injury received, and obtain from him a statement of the manner and cause of the accident; and if the circumstances, in the opinion of said officers require it, the city physician shall offer to attend to the injuries of such person free of charge. The city counselor shall reduce to writing and keep

in his office all the information so obtained respecting each personal injury case and transmit the same to his successor in office. [G. O. No. 872, Sec. 1].

Sec. 3. Engineer to diagram location, etc.—It shall be the duty of the chief of police to notify the city engineer in writing of the time and location of such accident, and immediately thereupon the city engineer shall cause the spot or location of said accident to be diagrammed or photographed, and obtain the names and statement of witnesses as to the nature and condition of the street, alley or sidewalk where such accident occurred, and upon reducing the same to writing, shall transmit the same to the city counselor, who shall preserve such information in such manner and for the same purpose as required in section two. [R. O. 1897, Chap. 2, Sec. 3].

Sec. 4. Effort to obtain settlement for injury.—In case of injuries arising from defects or obstructions in streets, alleys or sidewalks, it shall be the duty of the city counselor, upon visiting the person injured and ascertaining the nature and extent of such injuries, and the circumstances attending the same, to recommend, if in his opinion the circumstances justify it, to the judiciary committee of the common council, a basis of settlement for such injuries, stating therein the nature and extent of the injuries received by such person, and an amount which would be a proper and just allowance for such injuries, and upon such recommendation, if the judiciary committee, or a majority thereof, shall approve the same, then the city counselor shall have the authority to settle with such person for such amount; *Provided*, that such person so injured shall sign an agreement to the effect that upon payment of said amount, the city of St. Joseph shall be released from all further liability on account of such injury, but no such settlement or agreement shall be binding upon the city until an ordinance appropriating money to pay the same shall have been passed by the common council and approved by the mayor. [G. O. No. 875, Sec. 1].

Sec. 5. Blank forms to be prepared.—The city clerk and city counselor are hereby instructed to prepare blank forms for the reports of the different officers mentioned herein, and to so prepare them as to carry into effect all the terms of this ordinance. [R. O. 1897, Chap. 2, Sec. 5].

CHAPTER II.

AMUSEMENTS—SHOWS.

SECTION

6. Public entertainments, amusements, etc., license therefor.
7. Ten pin alley, license therefor.
8. Pistol or shooting gallery, baby rack, cane rack, knife board, license for.
9. Horoscopic or stereoscopic views, license for.
10. Magnifying glass, telescope, lung tester, muscle developer, weighing machine, license for.
11. Merry-go-round, riding gallery, revolving swing, license for.
12. Wild west shows or exhibitions and parades.
13. Penalty for violation.
14. Selling or renting automatic phonographs.

SECTION

15. Fairs, license for.
16. License for theaters and opera houses, how paid.
17. Same, license forfeited when.
18. Place of public amusement, regulating doors thereof.
19. Same, penalty.
20. Places of amusement, chairs not to be kept in passage way.
21. Ingress and egress in front of opera houses.
22. Same, penalty.
23. Firemen as Inspectors in theaters.
24. Fire drill for stage employees.

SEC. 6. Public entertainments — amusements, etc., license for.—No person shall give a public entertainment for gain or profit without a license therefor from said city, and the charge for such license shall be as follows:

First: Menagerie and circus combined where the admission price is fifty (50) cents, seventy-five (75) dollars per day; which license shall include the privilege of a street parade, and no street parade shall be permitted unless a license as aforesaid has been obtained.

Second: Menagerie and circus combined, where the admission price is twenty-five (25) cents, fifty (50) dollars per day; which license shall include the privilege of a street parade, and no street parade shall be permitted unless a license as aforesaid has been obtained.

Third: Any show, side show, street exhibition or amusement, ten (10) dollars per day, or thirty (30) dollars per week.

Fourth: For museum and theatrical entertainment combined, charging an admission fee of less than twenty-five (25) cents, five (5) dollars per week, or fifty (50) dollars per year, but no license shall be issued for less than one year, except at weekly rates.

Fifth: For theater, opera, lecture, concert, minstrel performance, public ball, public masquerade, public pedestrian or wrestling exhibition, five (5) dollars per day.

Sixth: For each opera house or theater, one hundred and fifty (150) dollars per year: the license shall be issued for one year, and shall permit the giving of all the above enumerated entertainments (excepting circuses, menageries and equestrian exhibitions) in the places licensed without additional license.

Seventh: Any public entertainment not previously mentioned, five (5) dollars per day, or twenty-five (25) dollars per month.

Eighth: No license shall be required for any entertainment given by the citizens of this city, when the same shall be for charitable, benevolent or religious purposes only.

Ninth: Open air concert or theatrical entertainments, five (5) dollars per day, or twenty-five (25) dollars per month. Any concert or theatrical entertainment given from a stage before an audience in the open air, shall be deemed an open air concert or theatrical entertainment. [G. O. No. 675, Sec. 1].

SEC. 7. **Ten pin alley.**—No person shall keep or take part in keeping any ten pin alley, for gain or profit, without a license therefor from said city, and the charge therefor shall be fifteen dollars per annum. [R. O. 1897, Chap. 3, Sec. 2].

SEC. 8. **Pistol or shooting gallery, baby rack, cane rack, knife board.**—No person shall carry on, or take part in carrying on, for gain or profit, any pistol gallery or shooting gallery, knife board, baby rack or cane rack, without a license therefor from said city, and the charge for such license shall be as follows: Shooting gallery or pistol gallery, five dollars per month, or

fifteen dollars per year; baby rack, cane rack or knife board, ten dollars per month or twenty-five dollars per year. [R. O. 1897, Chap. 3, Sec. 3].

SEC. 9. Horoscopic or stereoscopic views.—No person shall keep horoscopic or stereoscopic views for gain or profit without a license therefor from said city, and the charge for such license shall be ten dollars per annum. [R. O. 1897, Chap. 3, Sec. 4].

SEC. 10. Magnifying glass, telescope, lung tester, muscle developer, weighing machine.—No person shall, for gain or profit, keep for use by others, any magnifying glass or glasses, telescope, lung tester, muscle developer or weighing machine, without a license therefor from said city, and the charge for such license shall be ten dollars per month. [R. O. 1897, Chap. 3, Sec. 5].

SEC. 11. Merry-go-round, riding gallery, revolving swing.—No person shall keep, for gain or profit, for use by others, any merry-go-round, riding gallery, or revolving swing, without a license therefor from said city, and the charge for such license shall be five dollars per month, or twenty-five dollars per year. [G. O. No. 585, Sec. 1].

SEC. 12. Wild west shows or exhibitions and parades.—No person shall, in this city, for gain or profit, exhibit a wild west show or give a public entertainment comprising an exhibition of rough or reckless riding, stage driving, sham battles, frontier scenes, etc., without a license therefor from the city of St. Joseph, and the charge for such license shall be one hundred dollars per day, which license shall include the privilege of a street parade, and no street parade shall be permitted unless a license as aforesaid has been obtained, unless a license for such street parade shall first be obtained, and the charge for such license for such street parade shall be one hundred dollars for each parade. [G. O. No. 580, Sec. 1].

SEC. 13. Penalty for violation.—Any person violating the provisions of the preceding section of this ordinance, shall upon conviction therefor, be fined two hundred dollars for each offense. [G. O. No. 580, Sec. 2].

SEC. 14. Selling or renting automatic phonographs.—No person shall engage in selling or renting automatic phonographs for business purposes or amusement without first having obtained a license from said city, and the charge for such license shall be five dollars per year for each instrument. [R. O. 1897, Chap. 3, Sec. 7].

SEC. 15. Fairs—license for.—It is hereby declared to be illegal for any person, company or corporation to give a fair within this city without a license therefor, and the charge for such license shall be five dollars per week, which license shall include privileges of all kinds within the grounds. Any person, company or corporation failing or refusing to comply with the provisions herein shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in a sum not exceeding five dollars for each offense, and each day shall constitute a separate offense. [R. O. 1897, Chap. 3, Sec. 8].

SEC. 16. License for theaters and opera houses—how paid.—The license fees required of theaters and opera houses in the city of St. Joseph for each year, may be paid as follows: On taking out the license for one year, the applicant shall pay one-third of the yearly license fee in advance, and he shall, at the expiration of four months from the date of said license, pay another one-third thereof, and at the expiration of the four months from the latter date, he shall pay the remaining one-third of such license, and the applicant shall, upon procuring his yearly license, and at the time it is issued, execute and file a bond with the city auditor, in the sum of at least three hundred dollars, with two or more good securities, residents of the city of St. Joseph, conditioned that he will pay the deferred installments of such license fee as they respectively become due. In case of a failure to pay any such installment when it becomes due, then the whole of such installments shall become due and said bond may be sued upon and the amount of such installment or installments recovered with all costs and expenses incident to such suit, whether all such installments are then due or not. The security in said bond shall be approved by the comptroller. [R. O. 1897, Chap. 3, Sec. 9].

SEC. 17. Same—license forfeited, when.—In case the person taking out such license shall fail to pay any installment when due, then his license shall at once become forfeited, and shall be no protection to him whatever, but this shall in no way prevent a recovery by the city upon the bond aforesaid as hereinbefore provided, and upon a recovery upon such bond, and payment of the amount thereby recovered, the license shall again become operative. [R. O. 1897, Chap. 3, Sec. 10].

SEC. 18. Places of public amusement, regulating doors thereof.—In every place of public amusement within the city of St. Joseph, all outside doors or doors leading into any auditorium shall open outwardly, and over each egress opening shall be placed the word, "exit," in letters at least eight inches high, and all of said doors shall be kept unlocked for and during any performance or entertainment, and remain unlocked until the entire audience shall have left the building. [R. O. 1897, Chap. 3, Sec. 11].

SEC. 19. Same—penalty.—Any person who shall violate or permit the violation of any provision of this ordinance, shall, upon conviction thereof before the judge of the police court, be fined in a sum not less than one hundred dollars nor more than five hundred dollars for each offense; one-half of the recovery in each case to be paid to the party making the complaint. [R. O. 1897, Chap. 3, Sec. 12].

SEC. 20. Places of amusement—chairs not to be kept in passage way.—It shall be unlawful to place or keep any chairs or movable seats of any kind in the aisles or passage ways of any place of public amusement in this city during a performance or exhibition therein, and any person having the management, charge or control of such place, or any one in the employ of such person, who shall be convicted of so doing in the police court of this city, shall be fined in a sum of not less than one hundred dollars for each and every offense: one-half of any such fine so collected to be paid to the person giving information of the offense and so causing the conviction of the person so offending. [R. O. 1897, Chap. 3, Sec. 13].

SEC. 21. Ingress and egress in front of opera houses.—No owner, driver or conductor in charge of any hack, cab, carriage, omnibus, buggy, wagon or other vehicle public or private shall, for the space of one-half hour next before the beginning of any

opera, show or any entertainment of any kind whatsoever at the Tootle opera house on Francis street, or the Crawford opera house on Fifth street, nor during the performance of any opera, show or entertainment at either of said opera houses, nor for one-half hour next after the close of any opera, show or entertainment at either of said opera houses, stand his vehicle on the south side of Francis street immediately east of Fifth street, and north of Tootle's opera house to the alley east thereof running north and south between Fifth and Sixth streets, nor on the west side of Fifth street immediately south of Jule street and east of the Crawford opera house, for a distance of one hundred and fifty feet south of the southwest corner of Fifth and Jule streets, for a longer time than is necessary for the prompt discharge or receipt of passengers to and from such vehicle. It being the intention of this ordinance that the said space in Fifth street immediately opposite the Crawford opera house, and that the said space in Francis street immediately opposite the Tootle opera house, shall be kept clear and unobstructed during the times aforesaid for the prompt ingress and egress of vehicles having passengers to discharge or receive at said opera houses. [G. O. No. 563, Sec. 1].

SEC. 22. **Same—Penalty.**—Any person violating any of the provisions of the foregoing section shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in a sum not less than two dollars nor more than twenty dollars for each violation. [G. O. No. 563, Sec. 2].

SEC. 23. **Firemen as inspectors in theaters.**—That the chief of the fire department be and he is hereby instructed to detail at every theater or building of public amusement during each performance or occupation of building by public assemblage a strong, able-bodied fireman, who shall be vested with police authority and whose duty it shall be to make a complete tour of the entire theater before the curtain rises to ascertain if every exit and window leading to the fire escape is free from lock or bar and easy of egress; if all lights over exits are burning and are protected by the required wire guard; if all fire extinguishers are in place; if all aisles and passage ways are free from obstruction of temporary seats or other obstructions that might interfere with egress; and if persons are allowed to stand in said aisles or pass-

age ways during the performance or while the building is occupied by a public assemblage. He shall further see if the fire-proof curtain is down while the theater is being filled prior to the performance, lecture, concert or other amusement, and if it is lowered at least once during each performance. He shall make a tour of the stage to ascertain if water is turned on stand pipes, if hose is in proper place and within easy reach, with nozzle attached thereto, if casks are full of water and buckets in place, if fire-proof curtain is in working order, if ventilator will operate if rope is cut or loosened, if lights are exposed or without proper guard, and if axes are in place and within easy reach: and shall at least twice a month at some time during the day inspect the sprinkler system, ascertaining if every sprinkler head is in place, if it be an automatic sprinkler, or if it be the perforated pipe system, he shall see if the pipes are properly perforated and holes not stopped or plugged, if the system be attached to an independent lead with a valve in a conspicuous place and within easy reach, if whichever system may be employed shall be ready to operate as the emergency may require; and see if the entire system is in complete working order. Should he be interfered with in the performance of the duties prescribed in this ordinance by the management or any theatrical employe, he shall at once notify the chief of the fire department or his assistant by telephone or other means, who shall see to it that he be allowed to perform said duties or order theater closed at once. [G. O. No. 838, Sec. 1].

SEC. 24. Fire drill for stage employes.—Each manager of a house of amusement shall have drilled the stage employes in handling the fire apparatus and appliances so that in case of fire or other emergency, they shall have knowledge of what action to take. The chief of the fire department shall furnish a member of his department to drill such employes whenever requested by such manager, and should he find that the ordinance regulating and governing theaters and their management is not in any particular being complied with, he shall at once make affidavit as to such delinquency or omission and file such affidavit with the city attorney, whose duty it shall be to at once institute prosecution for such violation. [G. O. No. 838, Sec. 2].

(Penalty for violating sections six to fourteen inclusive of this chap. prescribed in sec. 662, chap. entitled "licenses.")

CHAPTER III.

AUCTIONEERS.

SECTION

25. Auction sales to be by auctioneer; license for.

SECTION

26. License, how granted; bond required.
27. May ring bell.

SEC. 25. **Auction sales to be by auctioneer—license.**—All sales of goods, chattels or personal property at public auction, within the city of St. Joseph, except such as are exempt from auction duty under the laws of this state, shall be made by an auctioneer, who shall have first obtained a license from this city, the charge for which shall be twenty-five dollars per annum for each person acting as such auctioneer; Provided, That a licensed auction house shall pay but one license. [R. O. 1897, Chap. 6, Sec. 1].

SEC. 26. **License—how granted—bond required.**—The city auditor is hereby authorized to grant a license as an auctioneer to any person who shall apply therefor, upon the applicant executing to the city of St. Joseph a bond, with at least two sureties, to be approved by the comptroller, in the penal sum of one thousand dollars, conditioned that the person so licensed, will, during his continuance in the business as auctioneer, faithfully discharge his duties as such; that he will pay over the proceeds of all property sold by him to the person entitled to receive the same; and that he will not make any misrepresentations, false or fraudulent statements, or fraudulently conceal any fact in relation to the quantity, title to, or ownership of any property offered by him or any of his employes for sale; and shall also produce to the auditor the receipt of the treasurer for the amount of such license. [R. O. 1897, Chap. 6, Sec. 2].

SEC. 27. **May ring bell.**—Licensed auctioneers are hereby authorized to ring or cause to have rung a bell at each sale for a period not to exceed fifteen minutes. [R. O. 1897, Chap. 6, Sec. 3].

(For penalty for violating this chap. see sec. 662, chap. entitled "licenses.")

CHAPTER IV.

BILLIARD AND OTHER TABLES.

SECTION

28. Billiard tables, etc., license for.

29. Permitting minor to play, penalty.

SECTION

30. License to be exposed.

SEC. 28. **Billiard and other tables—license.**—No person shall keep, for gain or profit, any billiard table, pool table, bagatelle table, pigeon hole table or shovel board, for use by others, without a license therefor from said city, and the charge for such license shall be as follows: For each billiard table, ten dollars per year; for each and every other table or board, ten dollars per year. [R. O. 1897, Chap. 10, Sec. 1].

SEC. 29. **Penalty for permitting minor to play.**—No licensee or his employe, or other person in charge of any billiard table, pool table, bagatelle table, pigeon hole table or shovel board, shall at any time, with or without gain or profit, permit or allow any such table or board to be used by any minor for any purpose whatever. Any person violating, failing, neglecting or refusing to comply with any provision, regulation or requirement of this section, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than ten nor more than fifty dollars; and, in addition thereto, the court in which such conviction is had, shall adjudge and declare such license forfeited to the city of St. Joseph, and thereafter it shall be unlawful for said licensee, or any other person, to do business under such forfeited license. [R. O. 1897, Chap. 10, Sec. 2].

SEC. 30. **License plate to be exposed.**—The city auditor shall keep a book wherein he shall register the number of all such tables and boards that are licensed. Upon licensing a table or board, said auditor shall deliver to the licensee a metallic plate with the word “licensed” and number thereon. Upon receiving said plate, the licensee shall securely fasten the same in some conspicuous

place upon such licensed table or board, and keep the same so fastened during the time such license is in force; and upon the expiration or forfeiture of such license, said licensee shall return said metallic plate to said auditor. [R. O. 1897, Chap. 10, Sec. 3].

(For penalty for violating this chap. see sec. 662, chap. entitled "licenses.")

CHAPTER V.

BILL POSTING—BILL BOARDS.

SECTION

31. Bill poster, license for.
32. Bill poster defined.
33. Shall register location of bill boards, etc.
34. Bill board how constructed, to be kept in repair.
35. Bill boards, etc., to be kept free from loose paper.
36. Posters not to be affixed to sidewalks, etc., without consent, etc.

SECTION

37. Destroying posters, etc.
38. Penalty.
39. Building inspector to inspect bill boards, etc.
40. Prohibiting bill posters from going on vacant property.
41. Same, penalty.

SEC. 31. Bill poster, license.—It shall be unlawful for any person, association or corporation to exercise, carry on, or engage in the occupation of a bill poster in the city of St. Joseph, without first having obtained a license therefor from said city, and the charge for such license shall be fifty dollars per year and no such license shall be issued for a less period than one year; provided, that no license shall be required for the posting of legal notices, or distributing bills or posters for any charitable, religious, or political purposes. Any person or persons engaging in such occupation without first having obtained a license, shall be deemed guilty of a misdemeanor. [R. O. 1897, Chap. 11, Sec. 1].

SEC. 32. Bill poster defined.—Any person, association, corporation or any manager, agent or proprietor of a theater or other place of public amusement, who shall post up or affix in any manner, or paint, print or write, or cause to be painted, or written a notice or advertisement upon any bulletin board, wall, fence, building or other place, is hereby declared to be a bill poster. [R. O. 1897, Chap. 11, Sec. 2.]

SEC. 33. Shall register location of bill boards, etc.—Before any person, association or corporation shall be entitled to receive a license as a bill poster, he shall file with the building inspector a complete list of all bill boards, walls or other places used for posting bills owned or controlled by him and shall keep said list corrected from day to day as to any and all additions and withdrawals. [G. O. No. 873, Sec. 1].

SEC. 34. Bill boards, how constructed, to be kept in repair.—All bill boards hereafter to be erected shall be constructed in the following manner: Those constructed in the first-class fire limits shall not be higher than twelve feet, and the lower plank thereof shall be six inches from the ground. The support posts to be not less than four by four inches and set in the ground at least three feet, and such supports shall not be less than ten feet apart, said supporters shall be safely braced, and such bill boards shall at all times be kept in good condition of repair so that they will be safe and secure from wind storms; those bill boards which are erected outside of the first-class fire limits, shall be erected in the same manner as those in the first-class fire limits, unless the adjacent property owners give their consent in writing to the erection of such bill boards at a greater height, but such bill boards shall not be erected higher than twenty-one feet, and in such cases the main supports shall be at least six inches square; provided, however, that no such bill boards be erected on fire walls or house roofs. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor. [G. O. No. 724, Sec. 1].

SEC. 35. Bill boards, etc., to be kept free from loose paper.—It is hereby made the duty of every licensed bill poster to keep the bill boards, walls and fences used, owned or controlled by him free from loose or flopping paper, and to keep the ground clean around and contiguous to such bill boards, walls and fences, from loose paper falling from said bill boards, walls and fences, and any person failing to so do shall be deemed guilty of a misdemeanor. [R. O. 1897, Chap. 11, Sec. 5].

SEC. 36. Posters not to be affixed to sidewalks, etc., without consent, etc.—It shall be unlawful for any person or persons without the consent of the mayor to post up, or affix in any manner, or paint, print or write, or cause to be painted, printed or written, a notice, advertisement or bill upon a bridge, hydrant, curbstone, sidewalk, tree, pole or post in a street or public place, or upon a walk, fence or building belonging to the city; and any person or persons so offending shall be deemed guilty of a misdemeanor. [R. O. 1897, Chap. 11, Sec. 6].

SEC. 37. Destroying posters, etc.—It shall be unlawful for any person in this city to wilfully tear, pull, or cut down, destroy,

mutilate or deface any poster, hand bill, card or other advertisement posted upon any bill board, wall or other place by a licensed bill poster, and any person so offending shall be deemed guilty of a misdemeanor. [R. O. 1897, Chap. 11, Sec. 7].

SEC. 38. **Penalty.**—Any person being found guilty of any misdemeanor under any of the provisions of this ordinance, shall be punished by a fine of not less than one nor more than fifty dollars. [R. O. 1897, Chap. 11, Sec. 8].

SEC. 39. **Building inspector to inspect bill boards, issue permit for erection, etc.**—It shall be the duty of the building inspector to make frequent inspection of all the bill boards in the city, and to see that the same are kept in proper repair, and to issue permit for the erection of each bill board, said permit to state the dimensions of the bill board and where located. [G. O. No. 724, Sec. 2].

SEC. 40. **Prohibiting bill posters from going upon vacant property.**—Any person, firm, corporation or association which shall be engaged in the business of bill posting in the city of St. Joseph and who shall go upon, in or about any vacant property in this city, for the purpose of hanging advertising or other bills in the windows of said vacant property, without first having obtained the written permission of the owner or owners of said property so to do, shall be deemed guilty of a misdemeanor. [G. O. No. 731, Sec. 1].

SEC. 41. **Same—penalty.**—The penalty for violation of the provisions of the foregoing section shall be a fine not to exceed the sum of one hundred dollars. [G. O. No. 731, Sec. 2].

CHAPTER VI.

BOILERS—STEAM BOILERS—INSPECTION OF, ETC.

SECTION

42. Inspector of steam boilers.
43. Board of engineers.
44. Duties of boiler inspector.
45. Duties of board of engineers.
46. Owner may appeal from inspector.
47. Two engineers required—owner must have permit.
48. Boilers to be tested once a year, penalties.
49. Owner must employ licensed engineer.
50. Certificate of inspection—returns by inspector.

SECTION

51. Inspector to make semi-annual report.
52. Salaries—bonds — compensation of board.
53. Penalty for inspector or deputy for failing of duty.
54. What engineers, engines and boilers excepted.
55. Bills to be audited.
56. Proceedings to obtain license.
57. Penalties.
58. Not applicable to private residences.
59. Engineer to post up license.

Sec. 42. Inspector of steam boilers.—The mayor shall appoint by and with the consent of the common council, a boiler inspector, who shall be a practical boiler maker, who has served his apprenticeship at the trade, and who has worked at the boiler making trade, within the year preceding his appointment; said inspector shall be of good moral character, temperate habits and competent to test and inspect steam generators and all other appliances under steam pressure; said inspector shall not be interested either directly or indirectly in the sale or manufacture of engines, boilers or any other appliances or apparatus used in connection with steam machinery; said boiler inspector shall hold his office for a term of two years beginning with the third Monday in April after the annual election and until his successor is appointed and qualified; said boiler inspector is hereby authorized to appoint by and with the consent of the mayor, one deputy inspector, who shall possess the same qualifications as the boiler inspector and perform the same duties in case of temporary absence from the city, sickness or other disability of the boiler inspector, and shall serve without compensation, from the city, and shall be subject to removal at the pleasure of said boiler inspector. [G. O. No. 664, Sec. 1].

Sec. 43. Board of Engineers—The mayor shall designate and appoint by and with the consent of the common council,

two persons who shall be practical and mechanical engineers, having had at least five years experience in the city of St. Joseph next preceding their appointment, who in connection with the boiler inspector, shall constitute the board of engineers, whose terms of office shall be the same as that of the boiler inspector herein provided. [G. O. No. 664, Sec. 2].

SEC. 44. Duties of boiler inspector; to test boilers.—The boiler inspector shall devote his entire time and attention to the duties of his office, and also perform the duties of secretary of the board of engineers. He shall carefully inspect and test every stationary boiler and steam generating apparatus under pressure used for manufacturing, heating and mechanical purposes, as provided by this ordinance, including all attachments and connections, located within the city of St. Joseph, at least once annually, and shall visit each high pressure boiler in operation within the city limits at least once every three months. He shall keep a complete and accurate record of the names of all owners or users of steam boilers, giving a full description of the boilers inspected by him, and the amount of pressure allowed, the date when last tested. He shall notify all owners or users of boilers of the time when a re-inspection and test will be made, at least ten days before the expiration of each certificate of inspection, and appoint a day upon which he will make a re-inspection. The manner of inspection shall be the hammer test and in addition thereto the boiler inspector shall apply the hydrostatic test whenever in his judgment it is necessary. If the hydrostatic test be used, each boiler shall be tested by hydraulic pressure not to exceed one-fourth greater than the ordinary working pressure used, and the certificate of inspection herein provided, shall state the maximum pressure at which any boiler may be worked. In case a defect shall be discovered in any boiler or attachment thereto, the boiler inspector shall report the same to the owner or user of said boiler or boilers, and state the facts of the case in writing, giving a description of the particular locality in which each defect may be found, and whether of a dangerous character and necessitating immediate repair. If the boiler inspector shall at any time find a boiler, which, in his judgment, is unsafe, after inspecting the same, he shall condemn its further use. All boilers to be tested by hydrostatic pressure shall be filled with water by the owners or users and they shall furnish the necessary labor re-

quired to work and handle the pumps in applying the test. When leaks occur which prevent a successful test, the boiler inspector shall make a second test, upon receiving notice that all leaks have been repaired. If, upon making a second test, the boiler or boilers are still defective, he shall, for each subsequent test, collect an additional inspection fee, but in no case shall he give a certificate until fully satisfied of the safety of the boiler or boilers. All certificates of inspection shall be for one year and no longer. [G. O. No. 664, Sec. 3].

SEC. 45. Duties of Board of Engineers—engineer's certificate.—The boiler inspector and board of engineers shall, at the expense of the city, be provided with all needed blanks and stationery needful for their official duties. Said board shall provide for regular sessions and the boiler inspector shall act as secretary and keep minutes of the proceedings. Said board shall convene for business twice in each month to examine into qualifications of applicants for engineer's license. The boiler inspector shall have power to call a special session of the board if deemed necessary. A majority of the members of said board shall constitute a quorum for the transaction of business. The secretary shall keep a register of the names of all the applicants, designate those found qualified and those not qualified. Said board shall grant licenses, charging therefor each applicant the sum of \$10.00 for engineer's license, \$3.00 to be deposited with the clerk of the board when application is made, each applicant to be allowed three trials. If he then fails to pass a satisfactory examination, the applicant shall then forfeit the money deposited with the clerk of the board, but if the applicant has the capacity, skill, experience and habits of sobriety, requisite to perform the duties of an engineer, and shall pass examination successfully, the board shall grant him a license for the term of one year, upon the payment of an additional \$7.00, and any person thus qualified shall not be refused a license. The fee for each renewal of engineer's license shall be \$2.50. The regular meeting of the board of examiners shall take place on the first and third Tuesdays of each month. Said board of engineers shall vise all engineers' licenses presented by the owner thereof, granted him by the United States laws, which shall have the same effect as licenses granted by the board, and the engineers whose licenses are vised

by the board shall be subject to the provisions of this ordinance. All licenses granted shall be signed by not less than two, and may be signed by all members of the board. Any person taking charge of a steam boiler or steam boilers, for heating purposes only, shall be examined by said board of engineers, and if found qualified, the said board shall grant him a certificate to that effect upon the payment of \$5.00, said certificate to remain in force for one year from date of issue and may be reissued or renewed by the consent of the board of engineers upon the payment of a fee of \$2.00. Said board of engineers may adopt such rules and regulations as they shall deem proper, not inconsistent with this ordinance and the general law. A full board of engineers, by a unanimous vote, shall have power to revoke an engineer's license for inebriety, dishonesty or neglect of his duties when in charge of an engine or boiler in use, and may order the re-inspection of any boiler whenever they shall deem it necessary for the public safety, but no license shall be permanently revoked for cause, without first giving the accused party an opportunity to be heard in his own defense. [G. O. No. 664, Sec. 4].

SEC. 46. Owner may appeal from inspector.—Any owner or user of a steam boiler feeling aggrieved on account of any decision of the boiler inspector, may appeal to the remaining members of the board of engineers, and upon a thorough and careful investigation of the matter at issue between the parties, said members of said board shall decide the question; but in case said board fail to agree, then the mayor shall appoint some competent person who shall sit with the board, and the decision of said three persons, or a majority thereof, shall be final in all cases; provided, that the boiler inspector shall not have a voice in any matter in which there is an appeal from his decision. [G. O. No. 664, Sec. 5].

SEC. 47. Two engineers required—owner must have permit.—In case the user or owner of any boiler shall, for any cause, be deprived of the services of a licensed engineer, he must notify the boiler inspector at once, whose duty it shall be to see that said owner or steam user is supplied with a competent person to perform the duties of engineer until a licensed engineer can be provided and he may procure an experienced and careful person in charge, for a time not exceeding six days. Where boilers

are used and engineers run night and day, two licensed engineers must be employed and must stand watch alternately. Any person or persons intending to put a boiler or boilers into their establishment or building, must apply to the boiler inspector for a permit before setting up any boiler; and said boiler must be set subject to the approval of the boiler inspector. [G. O. No. 664, Sec. 6].

SEC. 48. Boilers to be tested once a year—penalties.—All owners or users of any stationary boilers carrying a pressure of ten pounds or over per square inch, shall have the same inspected and tested as herein provided, before and while being used, and at least once a year thereafter; and for every neglect or refusal to have such inspection and test, they shall be deemed guilty of a misdemeanor. If owners or users of steam boilers, or engineers in charge of same, shall carry a greater pressure than is allowed in the certificate of inspection granted by the boiler inspector, they or either of them shall be deemed guilty of a misdemeanor, and in case of an engineer, his license shall be revoked; or if such owners or users shall use any boiler which has been condemned as unsafe by the boiler inspector, they shall be deemed guilty of a misdemeanor. [G. O. No. 664, Sec. 7].

SEC. 49. Owner must employ licensed engineer.—Every owner or user of steam boiler or boilers, or steam generating apparatus of over five horse power, when the boiler or boilers are in use, must employ a competent engineer having a license from the board of engineers; and every owner or user as aforesaid, who shall neglect or refuse to employ a licensed engineer as herein provided, shall be deemed guilty of a misdemeanor. And any person acting as engineer having in charge either engine or boilers, in use within the corporate limits of the city of St. Joseph, not holding a license as above provided and required, shall be deemed guilty of a misdemeanor. Any person taking charge of more than one steam boiler or steam generating apparatus, under pressure when not in one building, or on the premises of one industry, shall be deemed guilty of a misdemeanor. Every licensed engineer shall devote at least eight hours out of every twenty-four to the duties of the plant where he is employed as engineer. [G. O. No. 664, Sec. 8].

SEC. 50. Certificate of inspection—returns by inspector.—

The auditor shall issue to the comptroller certificates of inspection of steam boilers, regularly numbered and duly signed by each of said officers, in denominations proper to meet the requirements of this ordinance, but blank as to owner's or user's names, date, pressure, locality and number of boiler. The comptroller shall issue such certificates of inspection to the boiler inspector and charge them to him. The inspector shall collect from all owners and users of boilers the following inspection fees, and no more: For every high pressure boiler of a capacity above 45 square feet of heating surface, five dollars (\$5.00) whether set single or in sets. Where sets of boilers are built one above another, only those immediately over the fire shall be counted. And for every low pressure boiler for heating purposes only, and high pressure boilers of a capacity not above 45 square feet of heating surface, two and one-half dollars (\$2.50). The boiler inspector, upon receipt of the money for the inspection fee shall promptly deliver to every owner or user of any boiler, certificates of inspection of the boilers inspected by him or his assistant. Every such certificate of inspection shall be filled up as herein provided, and signed by said boiler inspector. Said certificate of inspection shall be displayed in some prominent place near where the boilers are used. The boiler inspector shall make monthly returns to the city comptroller of all moneys collected, giving the names of the steam users from whom collected, and shall pay the moneys collected into the city treasury once in each month. [G. O. No. 664, Sec. 9].

SEC. 51. Inspector to make semi-annual report.—The boiler inspector shall make a semi-annual report to the comptroller, reporting the full number of boilers in the city, the number in use, the number inspected, and the number condemned as unsafe. He shall report the date, name of the owner, and the locality of every boiler accident, whether it be from a rupture or collapse of flue, or explosion of the shell of the boiler, stating his belief as to the cause thereof. He shall further report the number and names of all applicants for engineer's license, the number of rejected and the number granted licenses. Such report shall be signed by the full board of engineers, and open to the inspection of all persons interested. [G. O. No. 664, Sec. 10].

SEC. 52. Salaries—bonds—compensation of board.—The boiler inspector shall receive a salary of one thousand dollars (\$1,000.00) per annum, subject always to the further provisions of this ordinance, which shall be in full for all services rendered by him. He shall give bond to the city of St. Joseph in the penal sum of two thousand dollars (\$2,000.00) with two or more securities, to be approved by the comptroller, conditioned for the faithful, skillful and impartial performance of the duties of his office, and that he will fully account for and pay into the city treasury all moneys received by him, as herein provided. The deputy inspector appointed under this ordinance shall give bond in the penal sum of one thousand dollars (\$1,000.00) with the same condition as required of the boiler inspector, and subject to the approval of the comptroller. The members of the board of engineers, except the boiler inspector, shall each receive one hundred dollars per year. They shall each give bond in like manner as the boiler inspector, with the same conditions, and in the same penal sum of five hundred dollars (\$500.00), said bond to be approved by the comptroller. [G. O. No. 664, Sec. 11].

SEC. 53. Penalty for inspector or deputy failing of duty.—If the boiler inspector or his deputy shall neglect or fail to discharge his or their duty, by reason of inebriety, or by neglecting to perform the duties of inspector, or to pay over moneys received by inspection, as provided in this ordinance, or in any manner use their position for corrupt or dishonest purposes, he or they shall be deemed guilty of a misdemeanor, and on conviction thereof, be fined in a sum not exceeding one hundred dollars (\$100.00), and forfeit his or their office. [G. O. No. 664, Sec. 12].

SEC. 54. What engineers, engines and boilers excepted.—All engineers, engines and boilers of the fire department of St. Joseph, and all steam rollers, steam automobiles and portable boilers used on the streets of the city of St. Joseph, Mo., are subject to the provisions of this ordinance, except that there shall be no fee charged for the inspection of boilers of fire engines, but all locomotive boilers used on railroads, and steam boilers supplied with water automatically, when used only for heating dwelling houses and not carrying a pressure of over ten pounds of steam per square inch, are exempt from the provisions of this ordinance. [G. O. No. 664, Sec. 13].

SEC. 55. Bills to be audited.—All expenditures for the inspection of boilers shall be charged and paid as expenditures of the office of boiler inspector and board of engineers, and all bills before being paid shall be audited and approved, subject to the provisions of this ordinance and the laws governing cities of the second class. The salary herein provided to be paid to boiler inspector shall be paid out of the funds collected for the inspection of boilers and for licenses issued to engineers as in this ordinance provided, and in no case or event shall the city be liable for such salary or any part thereof except so far as the money paid into the city treasury under this ordinance shall be sufficient to pay said salary herein provided to be paid. [G. O. No. 664, Sec. 14].

SEC. 56. Proceedings to obtain license.—Every applicant for a license who fails to pass the examination of the board is required to wait two weeks before again making application for a license and the board shall then give him another examination; any applicant failing to pass the examination after the third trial, shall not be permitted to appear before said board for six months; every engineer licensed by the board and every engineer whose license is vised by the board is required to notify the boiler inspector when he accepts employment, and within three days thereafter, the name of his employer and the location of the boilers or boiler in his charge; and every engineer who shall neglect or refuse to comply with this rule, shall be deemed guilty of a misdemeanor. An application for a renewal of a license shall be made not later than the first regular meeting of the board next following the expiration of the license, and unless the above provision is complied with, it shall be necessary for the applicant to be re-examined and to take out a new license and pay the regular fee as provided in section 45 of this ordinance. Any steam user failing to place or put in a conspicuous place in engine room or boiler house, the boiler inspector's certificate, shall be deemed guilty of a misdemeanor. [G. O. No. 664, Sec. 15].

SEC. 57. Penalties.—Any person who violates or fails to comply with any of the provisions of this ordinance, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in the sum of not less than five dollars (\$5.00) nor

more than one hundred dollars (\$100.00) for each offense. [G. O. No. 664, Sec. 16].

SEC. 58. **Not applicable to private residences.**—Nothing in this ordinance shall be construed as applicable to private residences, except where several houses shall be constructed and used as flats or tenements and all heated by one steam plant. [G. O. No. 664, Sec. 18].

SEC. 59. **Engineer to post up license.**—It shall be the duty of every engineer to have his license posted in a conspicuous place in his engine room where it can be seen by any one who wishes to see it and it shall be the duty of the board of engineers to revoke the license of any engineer who shall refuse to perform his duty, and any engineer having his license revoked shall not be granted a new license within three months after his license was revoked, and it shall be the duty of the boiler inspector to revoke the license of any engineer for neglect of duty or inebriety at any time, and report of same must be made at their next regular meeting, and the boiler inspector shall have the power to enter any building or other premises where steam under pressure is being used and to arrest or cause to be arrested, any incompetent person or persons, found in charge of same. [G. O. No. 664, Sec. 19].

CHAPTER VII.

BOUNDARIES—MUNICIPAL BOUNDARIES.

ARTICLE

- I. Corporate limits—extension of.
- II. Ward boundaries.

ARTICLE

- III. Subdivisions of wards.

ARTICLE I.

CORPORATE LIMITS—EXTENSION OF.

SECTION 60. Corporate limits, extended and defined.

SEC. 60. **Corporate limits extended and defined.**—The corporate limits of the city of St. Joseph, Mo., are hereby extended to the limits hereinafter defined and shall comprise all that section situated in the county of Buchanan and state of Missouri, and contained within the following boundaries, to wit: Beginning at a point in the middle of the main channel of the Missouri river, where the west line of section twenty (20) of township fifty-seven (57) of range thirty-five (35) strikes the same, thence south along the west line of sections twenty (20) and twenty-nine (29) in said township and range to a point one hundred (100) feet west of the center line of the main track, as at present located, used and occupied by the Hannibal & St. Joseph Railroad Company, said distance being measured at right angles thereto, thence southwesterly parallel to said center line, through section thirty (30) and part of section thirty-one (31) of said township and range to the south line of the northwest quarter of said section thirty-one (31); thence east along the line passing through the center of sections thirty-one (31) and thirty-two (32) of said township and range to the center of said section thirty-two (32); thence north along the line passing through the center of sections thirty-two (32) and twenty-nine (29) of said township and range to the south line of section twenty (20) of said township and range; thence east along the south line of sections twenty (20) and twenty-one (21) of said township and range to the southeast corner of said section twenty-one (21); thence north

along the east line of sections twenty-one (21) and sixteen (16) of said township and range to the northeast corner of the southeast quarter of said section sixteen (16): thence east along the center line of section fifteen (15) of said township and range to the east line of said section: thence north along the east line of said section fifteen (15) to the southeast corner of section ten (10) of said township and range: thence west along the south line of said section ten (10) to the southeast corner of the southwest quarter of said section: thence north along the center line of said section ten (10) to the center of said section: thence west along the center line of said section ten (10) to the southeast corner of the northeast quarter of section nine (9) of said township and range: thence north along the east line of sections nine (9) and four (4) of said township and range to the northeast corner of said section four (4): thence west along the north line of said section four (4) to the southeast corner of section thirty-two (32) of township fifty-eight (58) of range thirty-five (35): thence north along the east line of said section thirty-two (32) to the northeast corner of the southeast quarter of said section: thence west along the north line of the southeast quarter of said section thirty-two (32) to the center of said section: thence south along the west line of the southeast quarter of said section thirty-two (32) to the north line of section (5) of township fifty-seven (57) of range thirty-five (35): thence west along the north line of said section five (5) to the northwest corner of the east half of the northwest quarter of said section five (5): thence south along the west line of said east half of the northwest quarter of said section five (5) to the north line of the southwest quarter of said section five (5): thence west along the north line of said southwest quarter of said section (5) to the west line of said section (5): thence south along said west line to the northeast corner of section seven (7) of said township and range: thence west along the north line of said section seven (7) to a point where the west line of an alley lying and being between Elwood and Belmont streets intersects the said north line of section seven (7): thence south on the said west line of said alley to where the same strikes the Missouri river, thence down the middle of the main channel of the Missouri river to the place of beginning, all being in townships fifty-seven (57) and fifty-eight (58) and range thirty-five (35). [G. O. No. 635, Sec. 1].

ARTICLE II.**WARD BOUNDARIES.****SECTION 61. Boundaries of wards.**

SEC. 61. Boundaries of wards.—The territory embraced within the corporate limits of the city of St. Joseph shall be divided into nine wards, the boundary lines of which shall be as follows:

First Ward.

The First Ward shall embrace all the territory lying north of the center of Isabelle and Lincoln streets and west of the center of Tenth street, of the west line of the northwest quarter of section four (4), township fifty-seven (57), range thirty-five (35) and of the east line of the southeast quarter of section thirty-two (32), township fifty-eight (58), range thirty-five (35).

Second Ward.

The Second Ward shall embrace all the territory lying north of the center of Corby street, of the south line of Mount Mora cemetery grounds and of the center of Colhoun street, and east of the center line of Tenth street and of the west line of the northwest quarter of section four (4).

Third Ward.

The Third Ward shall embrace all the territory lying south of the center of Isabelle and Lincoln streets to the center of Felix street, and west of the center line of Tenth street.

Fourth Ward.

The Fourth Ward shall embrace all the territory lying south of the center of Corby street, the south line of Mount Mora cemetery grounds and the center of Colhoun street, to the center of Felix street and a line produced eastward from Felix street, and east of the center of Tenth street.

Fifth Ward.

The Fifth Ward shall embrace all the territory lying south of the center of Felix street to the center of Mitchell avenue, and west of the center of Fifteenth street.

Sixth Ward.

The Sixth Ward shall embrace the territory lying south of the center of Felix street, north of the center of Mitchell avenue and east of the center of Fifteenth street.

Seventh Ward.

The Seventh Ward shall embrace all the territory lying south of the center of Mitchell avenue to the south line of section 20 and west of the center of Twelfth street.

Eighth Ward.

The Eighth Ward shall embrace all the territory lying south of the center of Mitchell avenue and east of the center of Twelfth street.

Ninth Ward.

The Ninth Ward shall embrace all the territory lying south of the south line of section twenty (20) and west of the center line of section twenty-nine (29) and of the north half of section thirty-two (32). [G. O. No. 641, Sec. 1].

ARTICLE III.**SUBDIVISION OF WARDS.**

SECTION 62. Precinct boundaries; location of polling places.

SEC. 62. Precinct boundaries—polling places. The several wards of the city are hereby subdivided into precincts for voting purposes to be designated by letters, and the locations of the polling places in each precinct are hereby designated, all as follows:

First Ward.

Precinct A. Shall comprise all that portion of the ward lying north of the center line of section five (5), with voting place located at St. Joseph avenue and Madison street.

Precinct B. Shall comprise all that portion of the ward lying south of the center line of section five (5), and west of Seventh street, Savannah avenue and Third street, with voting place located at Third and Market streets.

Precinct C. Shall comprise all that portion of the ward lying south of the center line of section five (5), and east of Seventh street, Savannah avenue and Third street, with voting place located at St. Joseph avenue and Richardson street.

Second Ward.

Precinct A. Shall comprise all that portion of the ward lying west of Seventeenth street and of the west line of the east half of northwest quarter of section four (4), with voting place located at Thirteenth and Highly streets.

Precinct B. Shall comprise all that portion of the ward lying east of Seventeenth street and of the west line of the east half of the northwest quarter of section four (4), with voting place located at Frederick avenue and Twenty-third street.

Third Ward.

Precinct A. Shall comprise all that portion of the ward lying west of Fifth street from Isabelle street to Louis street, with voting place located at Second and Franklin streets.

Precinct B. Shall comprise all that portion of the ward lying east of Fifth street and north of Louis, Hall and Church streets, with voting place located at Ninth and Ridenbaugh streets.

Precinct C. Shall comprise all that portion of the ward lying west of Fifth street and south of Louis street, with voting place located at Third and Robidoux streets.

Precinct D. Shall comprise all that portion of the ward lying south of Louis, Hall and Church streets, and east of Fifth street, with voting place located at Seventh and Robidoux streets.

Fourth Ward.

Precinct A. Shall comprise all that portion of the ward lying east of the center of Thirteenth street to Seventeenth street from southeast corner of Mount Mora cemetery to Frederick avenue and to Kemper street and Eighteenth street from Frederick avenue to Felix street, with voting place located at Sixteenth street and Buchanan avenue.

Precinct B. Shall comprise all that portion of the ward lying east of Seventeenth street from Colhoun street to Frederick avenue and east of Kemper and Eighteenth streets from Frederick avenue to Felix street, with voting place located at Twenty-second and Faraon streets.

Precinct C. Shall comprise all that portion of the ward lying west of Thirteenth street, with voting place located at Twelfth and Faraon streets.

Fifth Ward.

Precinct A. Shall comprise all that portion of the ward lying west of Ninth street and north of Messanie street, with voting place located at Fifth and Sylvania streets.

Precinct B. Shall comprise all that portion of the ward lying east of Ninth street and north of Locust street, with voting place located at Tenth and Charles streets.

Precinct C. Shall comprise all that portion of the ward lying west of Ninth street and south of Messanie street, with voting place located at Seventh and Patee streets.

Precinct D. Shall comprise all that portion of the ward lying east of Ninth street and south of Locust street, with voting place located at Tenth and Olive streets. [G. O. No. 641, Sec. 2].

Sixth Ward.

Precinct A. Shall comprise all that portion of the ward lying west of Nineteenth street and north of Olive street, with voting place at Seventeenth and Messanie streets.

Precinct B. Shall comprise all that portion of the ward lying east of Nineteenth street and north of Olive street and the Chicago, Burlington & Quincy Railroad right of way, with voting place located at Twenty-second and Messanie streets.

Precinct C. Shall comprise all that portion of the ward lying south of Olive street and the Chicago, Burlington & Quincy Railroad right of way and west of Twenty-fourth street, with voting place at Twentieth and Lafayette streets.

Precinct D. Shall comprise all that portion of the ward lying south of Olive street and the Chicago, Burlington & Quincy Railroad right of way and east of Twenty-fourth street, with voting place at Twenty-eighth and Lafayette streets. [G. O. No. 762, Sec. 2].

Seventh Ward.

Precinct A. Shall comprise all that portion of the ward lying west of Eighth street and north of Scott street, with voting place at Sixth and Duncan streets.

Precinct B. Shall comprise all that portion of the ward lying north of Scott street and east of Eighth street, with voting place at Tenth and Monteray streets.

Precinct C. Shall comprise all that portion of the ward lying west of the Hannibal Railroad, Atchison route and Eighth street and south of Scott street, with voting place at Sixth and Walnut streets.

Precinct D. Shall comprise all that portion of the ward lying east of the Hannibal and St. Joseph Railroad, Atchison route and Eighth street and south of Scott street, with voting place at Tenth and Hickory streets. [G. O. No. 763, Sec. 2].

Eighth Ward.

Precinct A. Shall comprise all that portion of the ward lying north of Jackson street, with voting place located at Thirteenth and Sacramento streets.

Precinct B. Shall comprise all that portion of the ward lying south of Jackson street and north of Atchison street and a line produced eastward from Atchison street, with voting place located at Thirteenth and Pacific streets.

Precinct C. Shall comprise all that portion of the ward lying south of Atchison street and a line produced eastward from Atchison street, with voting place located at Eighteenth (or State) and Commercial streets.

Ninth Ward.

Precinct A. Shall comprise all that portion of the ward lying north of the south line of the northwest quarter of section twenty-nine (29), with voting place located at what is known as Second and Buffalo streets.

Precinct B. Shall comprise all that portion of the ward lying between the south line of the northwest quarter of section twenty-nine (29), and what is known as Texas avenue and Blake streets, with voting place located at what is known as Missouri avenue and Park avenue.

Precinct C. Shall comprise all that portion of the ward lying south of what is known as Texas avenue and Blake street, with voting place located at what is known as Illinois avenue and Lake avenue. [G. O. No. 641, Sec. 2.]

CHAPTER VIII.

BUILDINGS.

ARTICLE

I. Buildings, survey and inspection of.

II. Permits by superintendent of buildings.

ARTICLE

III. Unsafe buildings.

IV. Construction of buildings.

V. Removal of buildings.

VI. Numbering of buildings.

ARTICLE 1.

BUILDINGS—SURVEY AND INSPECTION OF.

SECTION

63. Executive department for inspection of buildings.

64. Superintendent of buildings.

65. Members of the department.

66. Qualifications of superintendent.

SECTION

67. Duties of superintendent.

68. Powers of superintendent.

69. Records of executive department.

SEC. 63. Executive department for inspection of buildings.—There is hereby created in the city of St. Joseph an executive department, to be known and designated as the department for the survey and inspection of buildings, which shall have charge of the enforcing of all ordinances in force or which may be hereafter passed, pertaining to the erection, construction, alteration, repair or removal of buildings, or the storage of combustibles, and the arrangement of heating appliances. Said department shall also perform the duties pertaining to the investigations as to the cause and origin of fires, and such other duties as may be imposed upon it by ordinance. [R. O. 1897, Chap. 15, Art. 1, Sec. 1].

SEC. 64. Superintendent of buildings.—The chief office of said department shall be called the superintendent of building. The mayor, by and with the consent of the common council, shall appoint some suitable person to fill such position, and he shall hold his office until removed for cause, in the manner provided by law for the removal of other appointive officers of the city. The superintendent of buildings shall receive a salary of twelve hundred dollars per year, payable monthly. [G. O. No. 605, Sec 2].

SEC. 65. **Members of the department.**—The city engineer, the chief of police and the chief engineer of the fire department shall be the other members of the department *ex officio*. [R. O. 1897, Chap. 15, Art. 1, Sec. 3].

SEC. 66. **Qualifications of superintendent.**—The superintendent of buildings shall be an able and experienced architect, builder or mechanic, competent to perform all the duties of the office to which he is appointed, and shall not, during his term of office, be employed or engaged in any other vocation, or be interested in any contract or contracts for building or for furnishing materials. [R. O. 1897, Chap. 15, Art. 1, Sec. 4].

SEC. 67. **Duties of superintendent.**—It shall be the duty of the superintendent of buildings to issue all permits for the erection of buildings or the making of repairs: to keep a record of all the transactions of said department: to report all violations of this ordinance to the city attorney, that the offenders may be prosecuted: to enter upon the premises wherein any fire has occurred, if necessary, in order to investigate the origin of such fire: and, further, to perform such other duties as are herein required of him. He shall examine all buildings in the course of erection, alteration or repair, throughout the city, as often as practicable, and see that all the requirements of the ordinances in relation thereto are complied with. He shall inspect all public school buildings, public halls, churches and theaters, and all buildings used for manufacturing or commercial purposes, hotels and lodging houses, at least once each year, for the purpose of determining the safety of such buildings, the facilities for egress in case of fire, the overloading of floors, the storage of combustibles or other dangerous substances, and shall apply such remedies as he may be empowered to apply. In the performance of his duties, the said superintendent shall have the right to enter any building or premises in the city of St. Joseph. [R. O. 1897, Chap. 15, Art. 1, Sec. 5].

SEC. 68. **Powers of.**—The superintendent of buildings shall have full discretionary power of declaring to be public nuisances, all such buildings and structures, or parts or walls thereof, as are evidently or palpably unsafe and dangerous as to fire, or have become unsafe and dangerous from fire, decay or other cause, and

institute such steps as may be necessary for the immediate abatement of any and all such nuisances. He shall have power to stop the construction of any building or the making of any repair, where the same is being done in violation of the ordinances of the city. [R. O. 1897 Chap. 15, Art. 1, Sec. 6].

SEC. 69. **Records of executive department.**—The records of the department shall contain, besides a register of its transactions, a report of all violations of this chapter in the improper construction, alteration or repair of buildings, or in the unsafe condition of any building, either from improper construction or from other causes, with the location, names of owners, lessees, occupants, master mechanic, contractor and architect interested in the construction of such building or its occupancy, and in case of fires a record of the probable origin thereof. Such records shall be open for inspection and information to any official of this city. [R. O. 1897, Chap. 15, Art. 1, Sec 7].

ARTICLE II.

PERMITS BY SUPERINTENDENT OF BUILDINGS.

SECTION	SECTION
70. Building permit to be issued, when.	74. Penalty for continuing in street, etc.
71. Same: plans to be examined, etc.	75. Permits to be issued on application, when.
72. Additions, repairs, etc., subject to, etc.	76. Record of permits to be kept.
73. Street or sidewalk not to be occupied, etc.	77. Superintendent's fees, how disposed of.

SEC. 70. **Building permit to be issued.**—No person or corporation shall erect a building or structure of any kind, or add to, enlarge or extend any building or structure already erected, or which may hereafter be erected within this city, without first obtaining a permit from the superintendent of buildings. The application for such permit shall state the exact site to be occupied, the material, dimensions and estimated cost of the proposed building or structure, and the probable time to be occupied in building. The superintendent of buildings shall thereupon, after an inspection of the premises, or without inspection, as he may see fit, if he approve the application, issue a building permit to the applicant, giving him permission to erect a building or structure at the place, and of the materials and dimensions mentioned in the application, and authorizing the use and occupation of not more than one-half of the roadway, and all of the sidewalk in front of said premises, and limiting the time for which said permit shall continue. The superintendent of buildings may, if he sees fit, require that plans of the proposed erection, alteration or addition shall be submitted for inspection before issuing his permit. The gutter or water-way of any street, avenue or alley shall not, at any time, be obstructed by any building or other material so as to prevent the free passage of water in and along the same; but the superintendent of buildings may, in proper cases, to be determined by him, authorize the removal of a part or the whole of the sidewalk in front of the premises where the building is to be done; provided, a good temporary plank sidewalk shall be constructed over the gutter, not less than four feet

wide, and be kept and maintained free and clear of obstructions, and to the satisfaction of the said superintendent of buildings. [R. O. 1897, Chap. 15, Art. 2, Sec. 1].

SEC. 71. Same—plans to be examined.—The superintendent of buildings shall not issue a permit for the erection of any building to be used for public assemblies until he has carefully inspected the plans and specifications thereof, and ascertained that the building has sufficient strength, and that the means of ingress and egress are sufficient: and a copy of said specifications shall be deposited in the office of said superintendent. [R. O. 1897, Chap. 15, Art. 2, Sec. 2].

SEC. 72. Additions or repairs, etc.—Any work of alteration or repair made or done for any purpose, in, to or upon any building or structure, except that of necessary repairs not affecting the construction of the external or party walls, chimneys or stairways of a building, shall, to the extent of such work of alteration, addition or repair, be subject to the regulations of this ordinance. [R. O. 1897, Chap. 15, Art. 2, Sec. 3].

SEC. 73. Street or sidewalk not to be occupied with material.—No person, except merchants in the transaction of their daily business, shall deposit, place or leave any material, article, substance or thing on any street, alley, curb, gutter, sidewalk or public place of this city, without first obtaining a permit therefor from the superintendent of buildings. The said superintendent may, in his discretion, authorize the use of a portion of any street, alley, or sidewalk for a reasonable time and to such extent as he may deem necessary. [R. O. 1897, Chap. 15, Art. 2, Sec. 4].

SEC. 74. Penalty for continuing, etc.—A conviction under any provision of this ordinance, shall work a forfeiture of such permit, if the same shall have been issued, and the party convicted shall be subject to a fine of not less than ten dollars nor more than five hundred dollars for each and every day he shall continue such building, or occupy any portion of a street, alley, gutter, curb, sidewalk or public place, or leave either unrepaired after such conviction. [R. O. 1897, Chap. 15, Art. 2, Sec. 5].

SEC. 75. Permits to be issued on application, when.—Permits provided for in this ordinance shall only be issued upon the application of the owners or authorized agents of the owners of the property to be built upon. Every application shall contain an agreement to save the city harmless from all costs and damages which may accrue by reason of such use or occupancy. [R. O. 1897, Chap. 15, Art. 2, Sec. 6].

SEC. 76. Record of permits, etc., to be kept.—The superintendent of buildings shall keep a record of all permits issued, which shall be regularly numbered in the order of their issue, and he shall also file and preserve in his office the applications upon which permits are issued. He shall also keep a record of the number, description and size of every building erected in the city during his term of office, of what materials constructed, with the aggregates of the number, kind and cost of all buildings. [R. O. 1897, Chap. 15, Art. 2, Sec. 7].

SEC. 77. Superintendent's fees, how disposed of.—The applicant or applicants for such building permits shall pay to the superintendent of buildings the sum of one dollar, if the estimated cost of said building or alteration thereof shall be less than one thousand dollars; two dollars if the same shall be more than one thousand dollars or less than five thousand dollars, and for every additional one thousand dollars over five thousand dollars, the further sum of fifty cents. In all cases the fees allowed for issuing permits must be paid before the same are issued. All moneys received by the superintendent of buildings shall be paid by him into the city treasury at least once a month, at which time he shall make a statement of the amount so received, giving the date when, and the name of the person from whom received, and shall take triplicate receipts therefor, one to be filed with the comptroller, one with the auditor, and the other retained. [R. O. 1897, Chap. 15, Art. 2, Sec. 8].

ARTICLE III.

UNSAFE BUILDINGS.

SECTION

78. Owner to be notified of condition of building.
79. Must be removed or protected.
80. Proceedings to condemn building.

SECTION

81. Owner to be reported for keeping a nuisance.
82. Penalty for violating this article.
83. Duty of superintendent as to dangerous buildings.

SEC. 78. Owner to be notified of condition of building.—If any building or part of a building, staging or other structure, or anything attached to or connected with any building or other structure, in the city of St. Joseph, shall, by reason of its construction or use, or from fire, decay, or other cause, be reported dangerous or unsafe, so as to endanger life or limb, it shall be the duty of the superintendent of buildings to inspect such structure, and, if in his opinion the same be dangerous, he shall immediately notify the owner, agent, occupant or other party having an interest in said structure to cause the same to be made safe and secure, or removed, as may be necessary. [R. O. 1897, Chap. 15, Art. 3, Sec. 1].

SEC. 79. Must be removed or protected.—The person or persons so notified shall be allowed until twelve o'clock, noon, of the day following the service of such notice, in which to commence the securing or removal of the same; and he or they shall employ sufficient labor to remove or secure the same as expeditiously as can be done; provided, however, that in cases where the public safety requires immediate action, the superintendent of buildings may enter upon the premises, with such workmen and assistants as may be necessary, and cause the said unsafe structure to be shored up, taken down or otherwise secured without delay, and a proper fence or boarding to be put up for the protection of passers-by. [R. O. 1897, Chap. 15, Art. 3, Sec. 2].

SEC. 80. Proceedings to condemn buildings.—If the owner, agent, occupant or other party interested in said unsafe structure, having been notified, shall refuse or neglect to comply with the

requirements of said notice, as provided by the last preceding section, within the time therein limited, then a careful survey of the premises named in said notice shall be made at once by three disinterested persons, one to be appointed by the superintendent of buildings, one by the owner, occupant or other interested party, and the third chosen by these two: and the report of such survey shall be reduced to writing, and a copy served upon the owner, occupant or other interested party, and if said owner, occupant or other interested party refuse or neglect to appoint a member of said board of survey when thereunto required, then the survey and report shall be made by the city engineer and the chief engineer of the fire department, and in case of disagreement they shall choose a third person. [R. O. 1897, Chap. 15, Art. 3, Sec. 3].

SEC. 81. Owner to be reported for keeping a nuisance.—Whenever the report of any such survey had, as aforesaid, shall declare the structure to be unsafe or dangerous to life or limb, the superintendent of buildings shall, upon the continued refusal or neglect of the owner, occupant or other interested party, report such owner, occupant or other interested party to the city attorney for immediate prosecution for keeping and maintaining a nuisance. [R. O. 1897, Chap. 15, Art. 3, Sec. 4].

SEC. 82. Penalty for violating, etc.—Any person who shall permit any building of which he is the owner or agent to remain in an unsafe or dangerous condition, after notice from the superintendent of buildings, as hereinbefore provided, shall, for every day he shall so permit the same to remain in such condition, be guilty of a misdemeanor, and forfeit and pay to the city of St. Joseph a sum which shall not exceed one hundred dollars, to be recovered in the police court of said city, and he may also be punished in addition thereto by imprisonment in the city prison or workhouse for a term not exceeding three months. Upon such trial and conviction the judgment in addition to the punishment hereinbefore provided for shall be that the structure complained of shall be abated as a nuisance, and that the same shall be by the chief of police either taken down or properly secured, and a writ shall issue upon such judgment directed to the chief of police of said city of St. Joseph, directing him forthwith to proceed to abate, take down or otherwise secure such structure so as to make it safe and secure. All expenses incurred in the execution of such

writ of abatement of any nuisance on any private property within the city of St. Joseph shall be by said chief of police duly itemized, stated and returned with said writ of abatement to the city engineer, who shall thereupon assess the same as a special tax against the lot or lots, or parcels of ground upon which such nuisance was located, describing the property and the owner thereof, and shall issue a special tax bill therefor against such property in the same manner and with the same effect as special tax bills are issued for paving. [R. O. 1897, Chap. 15, Art. 3, Sec. 5].

SEC. 83. Duty of superintendent as to dangerous buildings.—If any building in the city of St. Joseph shall appear, upon examination by the superintendent of buildings, to be especially dangerous to life and limb by reason of insufficient thickness of walls, overloaded floors, defective construction or other causes, such building shall be held and taken to be dangerous within the meaning of and subject to all of the provisions of this ordinance; and the superintendent of buildings, besides proceeding as hereinbefore provided, may affix a notice of the dangerous character of the structure to a conspicuous place on the exterior wall of said building. Any person or persons removing such notice so affixed shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than twenty dollars nor more than five hundred dollars for each and every offense. [R. O. 1897, Chap. 15, Art. 3, Sec. 6].

ARTICLE IV.

CONSTRUCTION OF BUILDINGS.

SECTION

84. Wall, structure and building, etc.
85. Foundation to be of masonry.
86. Walls to be anchored.
87. Buildings outside of fire limits.
88. Walls within the fire limits, how constructed.
89. Roofs to be of tin or slate.
90. Chimneys and flues, how built.
91. Buildings to be of incombustible materials.
92. Walls to be protected, how.
93. Wooden buildings authorized by superintendent.
94. Frame buildings; basement walls.
95. Superintendent to inspect buildings being erected.

SECTION

96. Height of stories on given thickness of walls.
97. Thickness of walls for business buildings.
98. Existing party walls may be used, when.
99. The term "business buildings" defined.
100. The term "wholesale stores" defined.
101. The "basement story" defined.
102. The height of buildings taken from what point.
103. Red light at obstruction; pass-way.
104. Penalty.

SEC. 84. Wall, structure and building, etc.—No wall, structure, building, part or parts thereof shall hereafter be built, constructed, altered or repaired, except in conformity with the provisions of this ordinance. [R. O. 1897, Chap. 15, Art. 4, Sec. 1].

SEC. 85. Foundations to be of masonry.—Proper foundations of masonry shall be prepared for the support of buildings. Business buildings fronting streets having sewers shall have their foundations sunk at least twelve inches below the drainage, and no foundation shall be less than three feet below the exposed surface of the ground. The breadths of foundation of the several parts of any building shall be proportioned so that the pressure shall, as nearly as practicable, be equal on each square of the foundation. [R. O. 1897, Chap. 15, Art. 4, Sec. 2].

SEC. 86. Walls to be anchored.—In brick walls every seventh course shall be headers. Walls shall be securely anchored at the top of each story. All floor-beams, joists and headers shall be kept at least two inches clear of any wall enclosing a fire flue or chimney breast. [R. O. 1897, Chap. 15, Art. 4, Sec. 3].

SEC. 87. **Buildings outside of fire limits.**—All buildings erected outside of the fire limits shall be constructed of materials suitable for the purpose and in a safe and workmanlike manner. [R. O. 1897, Chap. 15, Art. 4, Sec. 4].

SEC. 88. **Walls within the fire limits, how constructed.**—No building or structure of any kind or description except as hereinafter provided, shall be erected or constructed within the fire limits, unless both the outside and party walls thereof shall be composed of brick, stone, iron or other incombustible material; and all buildings which shall or may hereafter be erected or constructed within said fire limits, shall have outside walls of not less than thirteen inches in thickness; and if any building shall be more than two stories in height above the basement the outside walls of the basement shall not be less than eighteen inches in thickness; the outside walls of the first story shall not be less than thirteen inches in thickness, and the walls of the stories above shall not be less than thirteen inches in thickness: provided, that buildings erected and used as dwellings only may be constructed with walls four and one-half inches less in thickness than is hereby above specified: and, provided further, that any building, cottage or barn one story in height may be built with walls not less than nine inches thick. [R. O. 1897, Chap. 15, Art. 4, Sec. 5].

SEC. 89. **Roofs to be of tin or slate.**—All roofs of buildings erected or constructed for business purposes within the fire limits shall be of tin, slate or some other non-combustible material. [R. O. 1897, Chap. 15, Art. 4, Sec. 6].

SEC. 90. **Chimneys and flues, how built.**—All chimneys shall be built of brick, stone or fireproof, non-conducting material. All brick flues shall be smoothly plastered inside with mortar, from top to bottom, and all flues shall be not less than nine inches square on the inside. Brick flues not starting from the foundation walls shall be securely built into the brickwork of the walls to which they are hung. In no case shall chimneys rest upon any flooring without a footing of masonry or iron, supported by iron beams having a secure bearing on masonry or iron at either end. All flues shall be topped out at least three and one-half feet above the

building to which they belong. [R. O. 1897, Chap. 15, Art. 4, Sec. 7].

SEC. 91. Buildings to be of incombustible material.—In any buildings more than two stories in height hereafter to be erected as a tenement house or lodging house, in which the lower part is intended to be used for business or manufacturing purposes of any kind, the hall partitions from the cellar to the second floor shall be built of brick or stone, or other incombustible material. [R. O. 1897, Chap. 15, Art. 4, Sec. 8].

SEC. 92. Walls to be protected.—All walls of buildings hereafter to be erected on the line of lots between different owners not extending down below the curb level upon the streets where said buildings are erected to a depth of nine feet to the bottom of footings for business houses shall be underpinned, sustained and protected at the entire charge and cost of the owner or owners thereof: provided, however, that it shall be the duty of the adjoining owner or owners wishing to sink their cellars or walls to a greater depth than those adjoining, to give timely written notice to the owner or owners of prior erected buildings of their intention to do so, and shall also permit the occupancy of their ground to so protect and underpin the said walls, building or buildings: but in all cases where the former walls have been down the depth as above specified, and then in that case parties building upon the adjoining lots and excavating their cellars to a greater depth than above named, shall at their own cost and expense use all proper care to underpin, sustain and protect the former erected walls or buildings. [R. O. 1897, Chap. 15, Art. 4, Sec. 9].

SEC. 93. Wooden buildings, etc., authorized by superintendent.—No frame or wooden building, shed, exterior stairway, stoop, balcony, piazza, platform or other structure in whole or in part of wood, inside the fire limits, shall be erected, except the same be open on one or more sides, and the same be authorized by the superintendent of buildings, under his certificate, to be first obtained therefor. [R. O. 1897, Chap. 15, Art. 4, Sec. 10].

SEC. 94. Frame building—basement walls.—Any frame building may be raised for the purpose of constructing a basement story under such building. The principal floor of such

building shall not be elevated more than eight feet above the grade of the sidewalk. The walls enclosing basement shall be of brick or stonework; if of brick, if the superstructure is only one story high, the walls shall not be less than nine inches thick; if two stories high, the walls shall be thirteen inches thick. If the building to be raised is a church or other hall or assembly room, the thickness of the basement walls shall be proportioned to its length and other conditions, to be approved by the superintendent of buildings. [R. O. 1897, Chap. 15, Art. 4, Sec. 11].

SEC. 95. Superintendent to inspect buildings being erected.—It shall be the duty of the superintendent of buildings to visit and inspect each any any building or buildings which may be in the course of erection, construction or alteration within the limits of the city, and to see that such house or houses, or building or buildings are being erected or altered according to the provisions of this ordinance. His visits and inspections shall be repeated from time to time during the erection, construction or alteration of such house or houses, building or buildings, until the same is enclosed, when his duties shall terminate. [R. O. 1897, Chap. 15, Art. 4, Sec. 12].

SEC. 96. Height of stories on given thickness of walls.—The height of stories for all given thickness of walls must not exceed eleven feet in the clear for basement, eighteen feet in the clear for the first story, fifteen feet in the clear for the second story, thirteen feet in the clear for the third story, twelve feet in the clear for the fourth story and fourteen feet in the clear average height of upper story. If any story exceeds these height respectively, the walls of such story and of all the stories below the same shall be increased four inches in thickness additional to the thickness already mentioned. [R. O. 1897, Chap. 15, Art. 4, Sec. 13].

SEC. 97. Thickness of walls for business buildings.—In accordance with the foregoing provisions all walls or business buildings shall be of the thickness designated in the following table:

	Basement. Inches.	First Story. Inches.	Second Story. Inches.	Third Story. Inches.	Fourth Story. Inches.	Fifth Story. Inches.	Sixth Story. Inches.	Seventh Story. Inches.
ENCLOSING WALLS.	B	1	2	3	4	5	6	7
One story high	13	9	.....	.....	.....	.....	.....	.....
Two stories high.....	18	13	13	.....	.....	.....	.....	.....
Three stories high.....	18	18	13	13	.....	.....	.....	.....
Four stories high	26	22 $\frac{1}{2}$	18	18	13	.....	.....	.....
Five stories high.....	30	26	22 $\frac{1}{2}$	18	18	13	.....	.....
Six stories high.....	30	26	22 $\frac{1}{2}$	18	18	13	13	.....
Seven stories high.....	30	26	26	22 $\frac{1}{2}$	18	18	13	13
DIVISION WALLS IN BUSINESS BUILDING.								
Three story buildings.....	18	13	13	13	.....	.....	.....	.....
Four story buildings.....	22 $\frac{1}{2}$	18	18	13	13	.....	.....	.....
Five story buildings.....	26	22 $\frac{1}{2}$	18	18	13	13	.....	.....
Six story buildings.....	26	22 $\frac{1}{2}$	22 $\frac{1}{2}$	18	18	13	13	.....
Seven story buildings.....	30	26	22 $\frac{1}{2}$	22 $\frac{1}{2}$	18	18	13	13
FRONT AND REAR WALLS.								
Four story buildings.....	22 $\frac{1}{2}$	18	18	13	13	.....	.....	.....
Five story buildings.....	22 $\frac{1}{2}$	22 $\frac{1}{2}$	18	18	13	13	.....	.....
Six story buildings.....	30	26	22 $\frac{1}{2}$	18	18	13	13	.....
Seven story buildings.....	30	26	26	22 $\frac{1}{2}$	22 $\frac{1}{2}$	18	18	13
PARTITION WALLS IN BUSINESS BUILDING.								
For one story	13	9	.....	.....	.....	.....	.....	.....
For two stories.....	18	13	13	.....	.....	.....	.....	.....
For three stories.....	18	13	13	13	.....	.....	.....	.....
For four stories ..	22 $\frac{1}{2}$	18	18	13	13	.....	.....	.....
For five stories.....	26	22 $\frac{1}{2}$	18	18	13	13	.....	.....
For six stories...	30	26	22 $\frac{1}{2}$	18	18	13	13	.....
For seven stories.....	30	26	26	22 $\frac{1}{2}$	22 $\frac{1}{2}$	18	18	13

[R. O. 1897, Chap. 15, Art. 4, Sec. 14].

Sec. 98. Existing party wall may be used.—Any party wall now existing that shall have been built conformable to the requirements of any law regulating the construction of such walls, and in force at the time of such construction, if sound and in good condition, may be used in the construction of any adjoining building: provided, however, that no brick work shall be placed on such wall to give additional height to the wall, unless the thickness of such additional wall and the thickness of the old wall in each story shall at least equal the thickness required for division walls of same height for business buildings as required for division walls. This section shall apply in all cases where it is desired to add additional height to any business building. In case of outside walls of any business building being built against the

wall of any old building (not being a party wall), the new wall shall be of the same thickness as required for outside walls in such building. [R. O. 1897, Chap. 15, Art. 4, Sec. 15].

SEC. 99. **The term "business building" defined.**—The term "business building" shall embrace all buildings used principally for business purposes, thus including, among others, hotels, theaters and office buildings. [R. O. 1897, Chap. 15, Art. 4, Sec. 16].

SEC. 100. **The term "wholesale stores" defined.**—The terms "wholesale stores" or "storehouses" shall embrace all buildings used (or intended to be used), exclusively for purposes of mercantile business or storage of goods. [R. O. 1897, Chap. 15, Art. 4, Sec. 17].

SEC. 101. **The "basement story" defined.**—A basement story of any building is defined as a story whose floor is twelve inches or more below the sidewalk, and whose height does not exceed twelve feet in the clear: all such stories that exceed twelve feet high shall be considered as first stories. [R. O. 1897, Chap. 15, Art. 4, Sec. 18].

SEC. 102. **The height of buildings taken from what point.**—The height of all buildings for the purposes of this ordinance shall be taken from the grade of sidewalk to a point half way from the lowest to highest point of roof. [R. O. 1897, Chap. 15, Art. 4, Sec. 19].

SEC. 103. **Red light at obstruction—passway.**—Any person having the use of any portion of the street or sidewalk for the purpose of erecting or repairing any building, or for any other purpose, shall cause a red light to be placed in a conspicuous place in front of such obstruction from sunset until sunrise each night during the time such obstruction remains. A sidewalk or passageway at least four feet wide shall be kept in front of any new building, as far as is practicable, making allowance for the proper handling of any material to be used in or about such building. [R. O. 1897, Chap. 15, Art. 4, Sec. 20].

SEC. 104. **Penalty.**—Any person who shall violate any of the provisions of this ordinance, where no other penalty is provided, shall be subject to a fine of not less than ten dollars nor exceeding one hundred dollars for each and every offense. [R. O. 1897, Chap. 15, Art. 4, Sec. 21].

ARTICLE V.

REMOVAL OF BUILDINGS.

SECTION

105. House mover, license for.

106. To give bond.

SECTION

107. Permit required; by whom issued.

SEC. 105. **House mover.**—No person except a licensed house mover shall remove any building within the limits of the city of St. Joseph without a license therefor from said city, and every such person shall annually, before engaging in such business or occupation, obtain a license therefor from said city, and the charge for such license shall be ten dollars per year. [R. O. 1897, Chap. 15, Art. 5, Sec. 1].

SEC. 106. **To give bond.**—Every person applying for a license as a house mover shall, at the time such license is issued, enter into bond with the city of St. Joseph in the sum of five hundred dollars, with two or more good and sufficient securities, residents of said city, conditioned that the licensee will save and indemnify, and keep harmless the city of St. Joseph from all liabilities, judgments, damages, costs and expenses which may in anywise accrue against said city in consequence of the granting of such license, and the exercise of said calling or business; said bond to be approved by the city comptroller and filed with the city auditor. [R. O. 1897, Chap. 15, Art. 5, Sec. 2].

SEC. 107. **Permits Required—by whom issued.**—It shall be the duty of the superintendent of buildings to issue a permit for each building removed to such licensed house mover, on application, to use the streets, avenues and alleys of said city, for the purpose of removing such building; said permit to be issued on the express condition that said streets, avenues and alleys shall not be obstructed more than is absolutely necessary in the prosecution of said work, and that all damages done to public or private property by said licensee will be paid by him as provided in his bond, and the charge for such permit shall be one dollar. [R. O. 1897, Chap. 15, Art. 5, Sec. 3].

(For penalty for violating this Article see Sec. 662, Chap. XXVII, entitled “licenses.”)

ARTICLE VI.**NUMBERING OF BUILDINGS.****SECTION**

108. Superintendent of buildings to give house numbers.

109. Plan for numbering buildings.

SECTION

110. Property owner to maintain street numbers.

111. Penalty.

SEC. 108. Duty of superintendent to give house numbers.—It is hereby made the duty of the superintendent of buildings, upon application from any person within the city limits, to give the correct number for any house or building located on any lot, the exact location of which is given. Said officer shall use due care and diligence in the giving of said numbers, but shall not be held responsible for any errors which may occur. [R. O. 1897, Chap. 15, Art. 6, Sec. 1].

SEC. 109. Plan for numbering buildings.—Felix street is the dividing line east and west, and the numbers are called north or south from that street, depending on the location of the building, whether north or south of that street.

First street, commonly known as Main street, is the dividing line north and south, and the numbers are called east or west from that street, depending on whether the building is east or west from that street.

All buildings fronting on the east side of streets running north and south have odd numbers, and all buildings on the west side of such streets have even numbers. All buildings on the north side of streets running east and west have odd numbers, and all buildings on the south side of such streets have even numbers.

Each twenty feet, beginning at the corner of Felix, and any street running north and south, is entitled to a number if the lots are divisible by twenty; if divisible by twenty-five, each twenty-five feet is entitled to a number.

There can be no number less than one hundred, and in starting from Felix street either north or south, on the west side of the streets running north and south, the first twenty feet fronting on the west side of such streets must have the number one hundred and two; the next twenty feet one hundred and four; the next one hundred and six, and so on north and south from Felix.

The same plan must be carried out on the east side of such streets, except that the first twenty feet must have the number one hundred and one, the next one hundred and three, and so on north and south from Felix through the first block north or south of Felix street.

The second block, either north or south from Felix street, on the west side, must begin with two hundred and two for the first twenty feet, two hundred and four for the second twenty feet, and so on; on the east side with two hundred and one for the first twenty feet, two hundred and three for the second twenty feet, and so on, increasing one hundred at the beginning of each block on to the city limits.

The same general plan must be carried out on buildings east or west from Felix street, the north and south dividing line. [R. O. 1897, Chap. 15, Art. 6, Sec. 2].

SEC. 110. Property owners to maintain street numbers.—It is hereby made the duty of each property owner in the city of St. Joseph to place and maintain on each and every building owned by him, the street number of such building in plain, legible numerals, so that the same shall be legible from the street or sidewalk abutting such building. [G. O. No. 632, Sec. 3].

SEC. 111. Penalty.—Every person failing to place and maintain on any building owned by him, the number of such building as provided in the preceding section, shall be deemed guilty of a misdemeanor, and on conviction, shall be punished by a fine not exceeding ten dollars. [G. O. No. 632, Sec. 4].

CHAPTER IX.

CHIMNEY SWEEP.

SECTION

- 112. Office created.
- 113. Appointment; term; bond.
- 114. Duties; compensation.

SECTION

- 115. Defective flue to be repaired.
- 116. Chimneys to be cleaned.
- 117. Chimney sweep to have license.

SEC. 112. **Office of chimney sweep created.**—There is hereby created the office of chimney sweep. [R. O. 1897, Chap. 16, Sec. 1].

SEC. 113. **Appointment—term of office—bond.**—At the first stated session of the common council every two years, it shall be the duty of the mayor to appoint, by and with the advice and consent of the common council, some suitable person to fill the office of chimney sweep, who shall hold his office for the term of two years, and until his successor is appointed and qualified. Said chimney sweep shall, before entering upon his duties as such officer, execute a bond to the city of St. Joseph, with surety to be approved by the comptroller, in the penal sum of one hundred dollars, conditioned for the faithful performance of his duties as prescribed in this ordinance, or as may hereafter be defined by ordinance. [R. O. 1897, Chap. 16, Sec. 2].

SEC. 114. **Duties—Compensation.**—It shall be the duty of the chimney sweep to sweep and clean in a faithful manner, once in each year, all chimneys within the limits of the city which have been in use at least six months prior to the date of such cleaning, and he shall be allowed to his own use for said cleaning and removing from the premises the soot, dirt or other matter taken out of said chimneys the following rates, to be paid by the owner of the building, viz: For cleaning each chimney as aforesaid, in a one-story house, the sum of twenty-five cents; for cleaning each chimney, as aforesaid, in a two-story house, the sum of fifty cents; for cleaning each chimney, as aforesaid, in a three-story house, the sum of seventy-five cents; for cleaning each chimney, as aforesaid, in a four-story house, the sum of one dollar. and twenty-five cents for each additional story. [R. O. 1897, Chap. 16, Sec. 3].

SEC. 115. Defective flues to be repaired.—It shall be the duty of the chimney sweep, wherever he shall have knowledge of a defective flue in any building in this city, to report the same, without delay to the superintendent of buildings; and the said superintendent of buildings is hereby authorized and required to notify, in writing, the owner of such building of the existence of such flue, and to have the same repaired or remedied without delay; and if such owner fail or neglect to repair or remedy such defect within twenty-four hours after receiving such notice, he shall be liable to a fine of not less than twenty dollars nor more than one hundred dollars, and to a like fine for each and every day the same shall remain unrepaired. [R. O. 1897, Chap. 16, Sec. 4].

SEC. 116. Chimneys to be cleaned.—It is hereby made the duty of the owner or occupant of any building within the limits of the city, to have the chimneys and flues of any such building swept, cleaned and the soot, dirt and other matter taken out of said chimneys and flues, and removed from the premises by the chimney sweep at least once in each year; any owner or occupant of a building who shall refuse or fail to have the chimneys and flues of such building cleaned by the chimney sweep, as required of him in section one hundred and fifteen of this ordinance, shall be deemed guilty of a misdemeanor, and upon conviction, shall be subject to a fine of not less than five dollars nor more than ten dollars. [R. O. 1897, Chap. 16, Sec. 5].

SEC. 117. Chimney sweep to have license.—No person shall carry on the business of chimney sweep without first taking out and having a license therefor. The charge for such license shall be fifty dollars per annum, and no license shall be issued for a less time than one year. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall be punished with a fine of not less than fifty dollars and not more than one hundred dollars. [G. O. No. 618, Sec. 1].

CHAPTER X.

COMMON COUNCIL.

ARTICLE

I. Common council.

ARTICLE

II. Committees of common council.

ARTICLE I.

COMMON COUNCIL.

SECTION

- 118. Resignation of alderman.
- 119. Chief of police to attend council meetings.
- 120. Alderman may be fined for absence.
- 121. Attachment may be issued for absent member.

SECTION

- 122. Matters to be referred to committees. Report may be deferred.
- 123. Vote, how to be rescinded.

SEC. 118. **Resignation of alderman.**—The resignation of any member shall be addressed to the presiding officer of the common council. [R. O. 1897, Chap. 19, Sec. 1].

SEC. 119. **Chief of police to attend council meetings.**—The chief of police shall attend the sessions of the common council, and execute all orders of the council to him directed. [R. O. 1897, Chap. 19, Sec. 2].

SEC. 120. **Alderman may be fined for absence.**—Any alderman absenting himself from any meeting of the board without reasonable excuse, shall be liable to a fine of not less than one dollar nor more than five dollars, to be imposed by the council. Sickness or absence from the city shall be a valid excuse. [R. O. 1897, Chap. 19, Sec. 3].

SEC. 121. **Attachment may be issued for absent member.**—At the request of any member of the Common Council, the president shall issue an attachment to compel the attendance of any member of the council, which may be executed by any policeman. [R. O. 1897, Chap. 19, Sec. 4].

SEC. 122. **Matters to be referred to committees—report may be deferred.**—All ordinances, petitions and communications to the common council shall, unless by consent, be referred to appropriate committees, and only acted on by the council on the report of the committee having the same in charge; any report of a committee of the council may be deferred to the next session of the same, whether it be an adjourned, special or regular session, by request of any two members of the council present. [R. O. 1897, Chap. 19, Sec. 5].

SEC. 123. **Vote—how to be rescinded.**—No vote of the common council shall be reconsidered or rescinded at a special meeting, unless at such special meeting there be present as large a number of aldermen as were present when such vote was taken. [R. O. 1897, Chap. 19, Sec. 6]

ARTICLE II.

COMMITTEES OF COMMON COUNCIL.

SECTION

- 124. Standing committees.
- 125. Judiciary committee.
- 126. Duty of committee on ordinances.
- 127. Legislation.

SECTION

- 128. Street lighting.
- 129. City engineer made an ex-officio member of streets and alleys committee.

SEC. 124. Standing committees.—At the annual meeting of the common council in each year, or as soon thereafter as possible, it shall be the duty of the president of the council to appoint the following standing committees, subject to the approval of the council, which shall consist of three members each:

Committee on rules.
Committee on finance.
Committee on auditing.
Committee on public improvements.
Committee on ordinances.
Committee on fire department.

Committee on water and gas.
Committee on workhouse.
Committee on public buildings and grounds.
Committee on streets and alleys.
Committee on claims.

[R. O. 1897, Chap. 18, Sec. 1].

SEC. 125. Judiciary committee.—There shall be a committee on judiciary, composed of the mayor, the city counselor, the president of the council, the city comptroller and the alderman who is chairman of the finance committee, which shall have control of all legal matters. [R. O. 1897, Chap. 18, Sec. 2].

SEC. 126. Duty of committee on ordinances.—The said committee on ordinances shall examine all ordinances and other subjects referred to them by the common council, report such alterations and amendments as they may deem necessary together with amendments, alterations and corrections in regard to the existing ordinances of the city. [R. O. 1897, Chap. 18, Sec. 3].

SEC. 127. Legislation.—There is hereby created a regular standing committee to be known and designated as the committee on legislation. Said committee shall consist of three members of the common council; one of which shall be the president of

the council; two members who shall be appointed by the president, and the mayor, counselor, comptroller, city clerk, auditor, assessor, treasurer and city engineer, ex officio members, who shall be appointed at the same time as other standing committees are appointed. Said committee shall examine and consider all matters of legislation which may be referred to it by the common council, and shall consider, prepare and present to the council from time to time such amendments to the charter of the city as the members thereof may consider expedient. [G. O. No. 599, Sec. 4].

SEC. 128. **Street lighting.**—There is hereby created a standing committee to be known as committee on street lighting. Said committee shall consist of three members of the council and be appointed as other committees are appointed. [R. O. 1897, Chap. 18, Sec. 5].

SEC. 129. **Engineer made ex officio member of streets and alleys committee.**—The city engineer is hereby made an ex officio member of the streets and alleys committee of the common council. [G. O. No. 734, Sec. 1].

CHAPTER XI.

CONDEMNATION OF PRIVATE PROPERTY, ETC.

SECTION

- 130. City engineer to furnish plat.
- 131. Duties of clerk after action of court.
- 132. Tax bills to be recorded, etc.

SECTION

- 133. Tax bills, how collected.
- 134. Suits to be begun, when.
- 135. Compensation of commissioners.

SEC. 130. **City engineer to furnish plat.**—Whenever the common council shall provide by ordinance for establishing, opening, widening or altering any street, avenue, alley, market place or public square, or route for a sewer, or to condemn private property for other or different public uses than those already specified in this section, and it is necessary to take private property for the same, the city engineer shall, upon request of the city counselor, furnish all necessary plats, showing the property affected by the proposed improvement, and the metes and bounds and the names of the owners thereof. [R. O. 1897, Chap. 21, Sec. 1].

SEC. 131. **City clerk shall make out certificate of awards.**—After final action is taken by the circuit court on the report of the commissioners in any street or alley opening proceeding, and said report has been duly received and recorded by the city clerk in his office, and the common council have made an appropriation for the payment out of the city treasury of the damages awarded, and value of property taken, it shall be the duty of the city clerk to make out certificates of awards, in accordance with the report of the commissioners for the damages awarded, and he shall also issue special tax bills in accordance with said report against all parties and pieces and parcels of property charged with benefits, in which shall be included costs pro rata as adjudged by the court, if any have accrued since said report was filed. [R. O. 1897, Chap. 21, Sec. 2].

SEC. 132. **Tax bills to be recorded and delivered to treasurer.**—The city clerk shall deliver said special tax bills to the city engineer, taking triplicate receipts therefor, one to be filed with

the auditor, one with the comptroller and the third to be filed in his own office. The city engineer, upon receipt of such tax bills, shall proceed forthwith to record the same in a book to be provided for that purpose, showing the name of the present owner as given in or upon each bill, the property assessed and the date and amount of the bill. As soon as said tax bills are recorded, and within five days from the date of their receipt by him, the city engineer shall deliver said tax bills to the city treasurer, taking triplicate receipts therefor, one to be filed with the auditor, one with the comptroller and the third retained. [G. O. No. 708, Sec. 2].

SEC. 133. **Tax bills—how collected.**—The city treasurer shall, upon receipt of such tax bills, forthwith send by mail, to each of the parties interested by name, a written or printed notice that said special tax bills are in his hands for collection, and will remain there for a period of thirty days from the date of their receipt by him, naming such date. [R. O. 1897, Chap. 21, Sec. 4].

SEC. 134. **Suits to be begun, when.**—Upon the expiration of the thirty days provided in the last section, all bills unpaid shall be delivered by the city treasurer to the city counselor, who shall thereupon proceed to collect the same by suits instituted in the name of the city of St. Joseph for that purpose. [R. O. 1897, Chap. 21, Sec. 5].

SEC. 135. **Compensation of commissioners.**—Whenever the common council shall provide by ordinance for establishing, opening, widening or altering any street, avenue, alley, market place or public square or route for a sewer, and it becomes necessary for that purpose to institute condemnation proceedings as provided by law, the compensation to be allowed each commissioner for his services in assessing damages and benefits therein shall be three dollars (\$3.00) per day for each day actually spent in discharging his duties as such commissioner and no further sums shall be allowed for such services. [G. O. No. 832, Sec. 1].

CHAPTER XII.

DOGS AND OTHER ANIMALS.

ARTICLE

- I. Dogs.
- II. Dog enumerator and ex-officio public impounder,

ARTICLE

- III. Impounding live stock.

ARTICLE I.

DOGS.

SECTION

- 136. Dog to be registered and wear collar.
- 137. Fee for registering—clerk to furnish tag.
- 138. Clerk to keep record, etc.
- 139. Dog must wear collar with tag.
- 140. No person shall remove collar.
- 141. No vicious dog or other animal to be kept.

SECTION

- 142. Dogs to be muzzled, when.
- 143. Barking dog must not be kept.
- 144. Female dog must not be at large when in heat.
- 145. Country dog excepted.
- 146. Harboring dog, what is.

SEC. 136. **Dog to be registered and wear collar.**—It shall be the duty of every person owning, keeping or harboring in this city any dog or bitch more than six months old to register the same with the city clerk, and to put and to keep on the neck of such dog or bitch a collar of leather or metal, to which shall be attached the tag received from the city clerk, or cause such dog to be humanely killed or permanently removed from within the city limits, or have enumerator humanely kill or dispose of such dog. [G. O. No. 702, Sec. 9].

SEC. 137. **Fee for registering—clerk to furnish tag.**—To enable the owner or keeper of any dog or bitch to have the same registered, such owner or keeper shall pay into the city treasury for each dog one dollar, and for each bitch two dollars, taking the treasurer's receipt therefor, and upon the presentation of such receipt the city clerk, together with a clerk's fee of twenty-five cents, said clerk shall deliver to the owner or keeper of such dog or bitch a certificate in writing, stating that such person has

registered said dog or bitch, and the number by which it is registered, and shall also give to such person a metal check or tag, upon which shall be stamped or engraved the year issued, the words "St. Joseph, Mo.," and a number corresponding with the number of the certificate of registration, which check or tag shall be attached to the collar worn by the dog licensed. On the first day of every month the city clerk shall certify to the city auditor the number of dogs and bitches registered, and said auditor shall immediately charge the city treasurer with the amount received by such treasurer for such licenses. [G. O. No. 749, Sec. 2].

SEC. 138. Clerk to keep a record, etc.—Such certificate of registry shall entitle such person to keep said dog or bitch until the first day of June then next following, but no longer; and said clerk shall keep a record, giving the name of the owner or keeper of such dog or bitch, and the number of the certificate of registry, together with a general description of such dog or bitch. [G. O. No. 749, Sec. 3].

SEC. 139. Dog must wear collar with tag.—No owner or keeper of any dog or bitch shall allow or permit any such dog or bitch to be at any place in this city, at any time, without a collar having attached thereto the check or tag hereinbefore required; nor shall any owner or keeper of any dog or bitch permit or allow such dog or bitch to wear any other check or tag than the identical one issued by the city clerk for such dog or bitch. In case of loss, a duplicate check or tag shall be issued by the city clerk, at the expense of the person making application therefor. [G. O. No. 749, Sec. 4].

SEC. 140. No person shall remove the collar.—No person shall remove or cause to be removed the collar, check or tag from any registered dog or bitch without the consent of the owner or keeper thereof. [R. O. 1897, Chap. 24, Sec. 5].

SEC. 141. No vicious dog or other animal to be kept.—No person shall own, keep or harbor in this city any dog, bitch, wolf, fox or other domestic or wild animal which is vicious or dangerous. [G. O. No. 740, Sec. 1].

SEC. 142. Dogs to be muzzled, when.—It shall be the duty of the mayor, whenever in his opinion the danger to the public

safety from rabid dogs is great and imminent, to publish his proclamation ordering and requiring all persons owning, keeping or harboring any dog or bitch to muzzle the same, or to confine the same for not less than thirty days nor more than ninety days from the date of such proclamation, by good and sufficient means, to the house, stable, outhouse or yard wherein such person may reside; and upon the issuing of such proclamation by the mayor it shall be the duty of all persons owning, keeping or harboring any dog or bitch, during the time specified in such proclamation, to confine the same by good and sufficient means, within the yard, house, stable or outhouse, or have the same properly and securely muzzled. It is hereby made the duty of the police to kill any dog found running at large without being properly muzzled as required by any proclamation of the mayor, issued under this ordinance. [R. O. 1897, Chap. 24, Sec. 7].

SEC. 143. **Barking dog must not be kept.**—No person shall own, keep or harbor any dog or bitch which by loud and frequent or habitual barking, howling or yelling shall annoy or disturb any neighborhood. [R. O. 1897, Chap. 24, Sec. 8].

SEC. 144. **Female must not be at large when in heat.**—No owner, keeper or person harboring any bitch shall permit or suffer her to run at large within this city while she is in heat, whether she have the collar and check or tag on her or not; and every such bitch found running at large is hereby deemed and declared to be a nuisance. [R. O. 1897, Chap. 24, Sec. 9].

SEC. 145. **Country dog excepted.**—The provisions of this chapter shall not apply to any dog or bitch which may follow any countryman coming into or passing through the city which shall remain near to its master, owner or keeper, or his wagon, animals or other effects. [R. O. 1897, Chap. 24, Sec. 12].

SEC. 146. **Harboring dog, what is.**—Any person who shall allow any dog or bitch to habitually remain or be lodged or fed within his house, store, yard, enclosure or place shall be deemed and considered as keeping and harboring the same within the meaning of this ordinance. [R. O. 1897, Chap. 24, Sec. 16].

ARTICLE II.

DOG ENUMERATOR AND EX-OFFICIO PUBLIC IMPOUNDER.

SECTION	SECTION
147. Appointment of dog enumerator and public impounder.	152. Penalty for acting as assistant without commission.
148. Shall give bond.	153. Enumerator—fees and salary.
149. Duties of dog enumerator.	154. Duties of police department.
150. Penalty for failure to procure license.	155. Enumerator ex-officio public impounder.
151. Assistant.	156. Fees discontinued.

SEC. 147. Appointment of the dog enumerator and public impounder.—There is hereby created the office of dog enumerator and ex-officio public impounder, and it shall be the duty of the dog enumerator to enforce all ordinances regulating or in any manner relating to dogs. He shall be appointed by the mayor, to be confirmed by the common council at the first regular meeting after the passage of this ordinance, and at the beginning of each succeeding fiscal year thereafter. He shall, unless sooner removed, hold his office for the fiscal year during which he is appointed, and until his successor is appointed and qualified. [G. O. No. 702, Sec. 1].

SEC. 148. Shall give bond.—Before entering upon his duties the dog enumerator shall give bond to the city, with good and sufficient securities, to be approved by the city comptroller, in the sum of \$2,500.00, conditioned upon the faithful performance of his official duties, and that he will properly account to the city comptroller of the city of St. Joseph for all moneys received by him in his official capacity. [G. O. No. 702, Sec. 2].

SEC. 149. Duties of the dog enumerator.—The dog enumerator shall make an enumeration at the beginning of each fiscal year of all dogs in St. Joseph, and shall keep a legible record of the same, which shall be open at all times to the inspection of any person. He shall serve notice on the owner or owners, keeper or keepers, harborer or harborers, of any such dog or dogs to procure a license for the same as provided in the ordinances of St. Joseph. [G. O. No. 702, Sec. 3].

SEC. 150. **Penalty.**—Any person failing to procure a license as provided for in section 149 of this ordinance, after the serving of the notice provided for in said section one hundred and forty-nine (149), shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than one dollar nor more than two hundred dollars. [G. O. No. 702, Sec. 4].

SEC. 151. **His assistants.**—The dog enumerator may employ one or more assistants, provided the compensation of such assistants shall be wholly paid by the enumerator, and provided that the city shall, under no circumstances, be responsible for such compensation. He shall discharge any assistants when ordered to do so by the mayor. All assistants employed by the enumerator shall be required to get a written commission from the city clerk, and shall register their names with the said city clerk. [G. O. No. 702, Sec. 5].

SEC. 152. **Penalty for not complying with section 151 of this ordinance.**—Any person who shall act as assistant to the enumerator, without first taking out a commission provided for in section 151 of this ordinance, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one dollar nor more than five dollars. [G. O. No. 702, Sec. 6].

SEC. 153. **Enumerator, fees and salary.**—The dog enumerator shall be entitled to receive for his services a salary of three hundred dollars per annum, to be paid in equal monthly installments, as the salaries of other city officers are paid, and in addition thereto twenty per cent of the money received by the city treasurer for the licensing of dogs. Said fees, which shall be twenty per cent of the moneys received by the city treasurer during the previous month, for the licensing of dogs, shall be paid to the dog enumerator, in the manner prescribed by ordinance for the payment of the salaries of other city officers. [G. O. No. 846, Sec. 7].

ordinance.—Any person who shall act as assistant to the enumera-

SEC. 154. **Duties of the police department.**—It is hereby made the duty of the police department to assist in the enforcement of all ordinances in relation to dogs. [G. O. No. 702, Sec. 8].

SEC. 155. Dog enumerator ex officio the public impounder.—

The dog enumerator shall be ex officio the public impounder, and shall perform all the duties and enforce all the laws and ordinances relating to the office and duties of public impounder, and shall receive the fees now provided by ordinance and paid to the public impounder. [G. O. No. 702, Sec. 9].

SEC. 156. Fees discontinued.—After the passage of this ordinance the fees of the public impounder as now constituted shall cease to exist as is provided for in this ordinance. [G. O. No. 702, Sec. 10].

ARTICLE III.

IMPOUNDING LIVE STOCK.

SECTION

157. What live stock may be impounded.

158. Duties of impounder; fees.

159. No other compensation except.

160. Must not be obstructed.

161. Report to comptroller.

SECTION

162. Animal must not be turned loose.

163. City clerk to attend sales and keep a record.

164. Penalty for failing to comply, etc.

SEC. 157. What live stock may be impounded.—Hogs, horses, mules, asses, sheep, goats, cattle, ducks, geese and chickens are hereby prohibited from running at large within the city limits, and all such animals found running at large within said limits shall be taken up and impounded by the public impounder. [G. O. No. 843, Sec. 1].

SEC. 158. Duties of impounder.—Whenever any live stock is taken up under and by authority of this ordinance it shall be the duty of the public impounder to return the same to the owner thereof upon payment to the impounder of the following sums, to wit: For each horse, mule, ass, cow or other animal not especially mentioned, one dollar; and for each hog, sheep or goat, fifty cents; and for each duck, goose or chicken, ten cents. These sums shall be in addition to the sum of twenty-five cents for each day any such animal may have been in the pound, or the sum of five cents for each day each duck, goose or chicken may have so remained. The party claiming any such animal or fowl shall show by satisfactory proof that he is entitled to the same. If any such animal or fowl remains in the pound three days without being claimed the public impounder shall proceed to advertise the same for sale by advertisement, published one time in the official paper of the city, giving a description of the animal or fowl, together with the time, terms and place of sale. If no owner appears at or before the time of sale to claim said animal or fowl, the public impounder shall sell the same at public auction to the highest bidder for cash. And all moneys arising from such sale, after deducting the fees of the public impounder, shall be paid into the city treasury by the public impounder for the general fund. [G. O. No. 879, Sec. 2].

SEC. 159. **No other compensation except.**—The compensation of the public impounder shall in no wise exceed the amount of fees as provided in this ordinance and the ordinance relating to dogs, and all expenses of every kind, except the cost of advertisements required by the last preceding section (which shall be paid by the city), shall be paid by the public impounder. [R. O. 1897, Chap. 38, Art. 2, Sec. 3].

SEC. 160. **Must not be obstructed.**—No person shall obstruct the public impounder or his assistants in the lawful discharge of their duties as provided in this ordinance. [R. O. 1897, Chap. 38, Art. 2, Sec. 4].

SEC. 161. **Report to comptroller.**—The public impounder shall, on the first day of each month, report to the city comptroller the amount of receipts and the expenses incurred in enforcing the provisions of this ordinance and the ordinance relating to dogs. [R. O. 1897, Chap. 38, Art. 2, Sec 5].

SEC. 162. **Animal not to be turned out.**—No person shall turn loose or cause to be turned loose from any pen or enclosure any animal for the purpose of causing the same to be impounded. [R. O. 1897, Chap. 38, Art. 2, Sec. 6].

SEC. 163. **City clerk to attend sales and keep record.**—The city clerk or some one authorized to act in his stead, shall attend all sales of animals made under the provisions of this ordinance, keep a record of such sale, a minute description of the article sold, date of sale, price paid and to whom sold; and shall make and certify to a copy of such record when required so to do by any city officer for his exclusive use. To this end it shall be the duty of the public impounder to notify said clerk of the time and place of sale of any animal. [R. O. 1897, Chap. 38, Art. 2, Sec. 7].

SEC. 164. **Penalty for failing to comply, etc.**—Any person violating, failing, neglecting or refusing to comply with any provision, regulation or requirement of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof before the judge of the police court, shall be fined not less than five dollars nor more than five hundred dollars. [R. O. 1897, Chap. 38, Art 2, Sec. 8.]

CHAPTER XIII.

DRAMSHOPS.

SECTION

165. Dramshops, license required for.
166. Dramshop keeper defined.
167. Intoxicating liquors defined.
168. License for; amount required.
169. Auditor to grant license; bond required.
170. Business at one place only; license how transferred.
171. License issued for three months.
172. Application for license to be made in writing; to state what; petition required, etc.
173. Certificate of assessor required.
174. Certificates to be furnished upon application.
175. To be kept at place designated in license; provisions for removal.
176. License to be framed and posted.

SECTION

177. Selling liquor to minor prohibited; penalty.
178. Keeping open on Sunday, election day, etc., prohibited; penalty.
179. Conditions under which license is granted; penalty.
180. Performing on musical instruments, sparring, boxing, wrestling, gaming tables, etc., prohibited; penalty.
181. Employment of lewd women prohibited.
182. Dramshop not to be licensed in house of ill-fame.
183. Sale of intoxicating liquors in theaters prohibited.
184. Penalty.
185. Auditor and treasurer to report to county monthly.
186. License may be revoked.

SEC. 165. **Dramshop license required.**—No person, or copartnership of persons, or corporation, shall in this city, directly or indirectly, in person or by another, sell, barter or deliver, for or on his or their account, any intoxicating liquors in less quantities than one gallon, without a license first obtained therefor as a keeper of a dramshop, according to the provisions herein contained. [R. O. 1897, Chap. 25, Sec. 1].

SEC. 166. **Dramshop keeper defined.**—Any person, copartnership of persons or corporation, being licensed according to the provisions of this ordinance to sell intoxicating liquors in any quantity less than one gallon is hereby declared to be a dramshop keeper. [R. O. 1897, Chap. 25, Sec. 2].

SEC. 167. **Intoxicating liquors defined.**—The term “intoxicating liquors,” as used in this ordinance, shall be construed to mean fermented, vinous and spirituous liquors, or any composition of which fermented, vinous or spirituous liquors is a part. [R. O. 1897, Chap. 25, Sec. 3].

SEC. 168. **License—amount required.**—No person shall act as a dramshop keeper without a license therefor from the city of St. Joseph, and the charge for such license shall be one thousand dollars per year, forty-seven per centum of which shall be for city purposes, and fifty-three per centum for state and county purposes. [R. O. 1897, Chap. 25, Sec. 4].

SEC. 169. **Auditor to grant license—bond required.**—The city auditor is hereby authorized to grant a license as a dramshop keeper to any person having complied with the provisions herein contained who shall apply therefor to him upon said applicant executing a bond to the city of St. Joseph with at least two sureties, to be approved by the comptroller, in the penal sum of two thousand dollars, conditioned that the person obtaining such license will, during the term for which he is licensed, keep an orderly house, and that he will in all things observe and conform to the provisions herein contained. After the comptroller shall have approved of the bond of said applicant, said applicant shall present the same to the city auditor, and pay to the city collector the amount of license fee due as herein provided, taking his receipt therefor, and on presentation of said receipt to the city auditor, together with the proper petition as required herein, the said auditor shall issue to said applicant a license as a dramshop keeper. [R. O. 1897, Chap. 25, Sec. 5].

SEC. 170. **Business at one place only—license how transferred.**—Any license issued under the provisions herein contained shall authorize the business therein designated to be carried on at one place only, and shall not be transferable or assignable except by bona fide sale of fixtures and business, and the filing of a new petition by the purchaser in his own name, to be subject to the same conditions as a petition for beginning business as a dramshop keeper, and the making and filing of a new bond as required in the preceding section. [R. O. 1897, Chap. 25, Sec. 6].

SEC. 171. **License issued for three months.**—License as a dramshop keeper shall be issued for a period of three months at a time, and shall date from the first of the month in which issued, on payment of one-quarter the yearly license tax. The proper officers will issue licenses in conformity with the provisions of this section. [R. O. 1897, Chap. 25, Sec. 7].

SEC. 172. Application for license, how made—petition required, etc.—Application for a license as a dramshop keeper shall be made in writing to the city auditor, and shall state specifically where the dramshop is to be kept; and if the said city auditor shall be of the opinion that the applicant is a person of good moral character he may grant the license: provided, that no license to keep a dramshop in any block or square in the city of St. Joseph shall be granted until a majority of the assessed taxpaying citizens and guardians of minors, resident in the city and owning property in the block or square, shall sign a petition asking for such license to keep a dramshop therein, which said petition shall be filed in the office of the city auditor, and said petition shall be good for one year, and in default of renewing said petition said city auditor shall have no power to issue thereafter such license until the same is renewed: provided, further, that any person having his place of business in territory which shall have been brought within the city of St. Joseph by extension of the limits of said city who shall have had a license as a dramshop keeper from Buchanan county at the time of such extension, on presentation of such license to the city auditor, and also on presentation to the city auditor of the receipt of the city collector showing that such person has paid to the city collector forty-seven per centum of the dramshop license tax as fixed by ordinance, and on the making and filing of a bond, as required by ordinance, shall be entitled to receive a license as a dramshop keeper without presenting any petition therefor. Such license to be issued for a period not exceeding the unexpired term of the county license held by such person. [G. O. No. 637, Sec. 1].

SEC. 173. Certificate of assessor required.—Before any person shall be entitled to receive a license as a dramshop keeper he shall present to the city auditor the certificate of the city assessor showing the owners of the property, the written consent of a majority of whom he is required to obtain, as provided and required herein. [R. O. 1897, Chap. 25, Sec. 9].

SEC. 174. Certificate to be furnished upon application.—The city assessor shall furnish the certificate required in the preceding section upon application therefor by any person desiring a license as dramshop keeper, and shall keep in his office a permanent record of all such certificates so issued by him. [R. O. 1897, Chap. 25, Sec. 10].

SEC. 175. To be kept at place designated in license—provision for removal.—No person shall under such license keep a dramshop at any place other than the one designated in such license; provided, that he may remove the carrying on of such business, during the continuation of such license, from the tenement designated therein to any other tenement in the city by obtaining the written consent of the majority of such assessed owners in the block or square in which the tenement to be occupied is situated, as are residents of the city, as in the first instance, but such removal and the date thereof shall be endorsed by the city auditor on such license, and it shall be the duty of any dramshop keeper so removing, to present his license to the city auditor for endorsement before such removal. [R. O. 1897, Chap. 25, Sec. 11].

SEC. 176. License to be framed and posted.—Each dramshop keeper licensed under the provisions herein shall immediately cause such license to be framed, and to be and remain posted upon some conspicuous part of the room or bar kept or used as a dramshop. [R. O. 1897, Chap. 25, Sec. 12].

SEC. 177. Selling liquor to minors prohibited—penalty.—Every dramshop keeper who shall sell, give away or otherwise dispose of, or suffer the same to be done about his premises, any intoxicating liquors in any quantity to any minor without the permission of the parent, master or guardian of such minor first had and obtained, or who shall have in his employ about his dramshop, or who shall permit any person under the age of twenty-one years to frequent or remain about such dramshop, or who shall permit any bawd, lewd woman or prostitute to frequent such dramshop, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty nor more than one hundred dollars. [R. O. 1897, Chap. 25, Sec. 13].

SEC. 178. Keeping open on Sunday, election day, etc., prohibited—penalty.—Any person who shall have a license as a dramshop keeper who shall keep open such dramshop, or who shall sell, give away or otherwise dispose of, or suffer the same to be done upon or about his premises, any intoxicating liquors, in any quantity, on the first day of the week, commonly called Sunday, or on any election day for the choice of presidential electors, state, county or city officers, shall upon conviction thereof be punished

by fine as follows: For the first offense not less than twenty dollars nor more than one hundred dollars; for the second offense not less than thirty dollars nor more than one hundred and fifty dollars; for the third offense not less than fifty dollars nor more than two hundred dollars; and in addition to the fine in the third offense such judge of the police court or other court before whom such person is tried shall declare such license forfeited to the city of St. Joseph, and thereafter it shall be unlawful for such licensee or any other person to do business under such forfeited license; and the person to whom such license was issued shall not be permitted to receive another as dramshop keeper for a period of six months. [R. O. 1897, Chap. 25, Sec. 14].

SEC. 179. Conditions under which license is granted—penalty.—Every license as a dramshop keeper shall be granted upon condition that the holder thereof shall close his place of business whenever the mayor, by proclamation, shall so order, and for such length of time as he may order, not exceeding forty-eight hours at any one time. Any person violating, failing, neglecting or refusing to comply with any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty dollars nor more than one hundred dollars. [R. O. 1897, Chap. 25, Sec. 15].

SEC. 180. Performing on musical instruments, sparring, boxing, wrestling, gaming tables, etc., prohibited—penalty.—A dramshop keeper shall not keep, exhibit, use or suffer to be used in his dramshop, any piano, organ or other musical instrument whatever for the purpose of performing upon or having the same performed upon in such dramshop; nor shall he permit any sparring, boxing, wrestling or other exhibition or contest or cock fight in his dramshop; and it shall be unlawful for any dramshop keeper to set up, keep, use or permit to be kept or used, in or about the premises of his dramshop, by any other person, or run or to be run in connection with such dramshop, in any manner or form whatever, any gaming tables, bowling or ten pin alley, cards, dice or other device for gaming or playing any game of chance, excepting billiard tables and pool tables; and the keeper of such dramshop shall not permit any person in or about his dramshop to play upon any such table or alley or with cards, dice or any gambling device of any kind. Every person violating any provision of this section shall

be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than ten nor more than fifty dollars. [R. O. 1897, Chap. 25, Sec. 16].

SEC. 181. Employment of lewd women prohibited.—No dramshop keeper shall employ or allow any lewd women or woman having the reputation of being a prostitute as a carrier of beer, liquors, cigars or any other article, or to sing or dance in such house or place, or to allow any such woman to act as bartender in any such house or place, under a penalty of not less than twenty-five dollars nor more than two hundred dollars. [R. O. 1897, Chap. 25, Sec. 17].

SEC. 182. Dramshop not to be licensed in house of ill fame.—No dramshop shall be licensed or permitted to be kept or maintained in any house or building used for the purpose of prostitution, or as a house of assignation or ill fame. [R. O. 1897, Chap. 25, Sec. 18].

SEC. 183. Sale of intoxicating liquors in theaters prohibited.—It shall be unlawful for any person or persons to sell, solicit, barter or give away any intoxicating liquor on the floor, in the boxes or among the audience of any theater or variety show or minstrel performance in the city of St. Joseph. [R. O. 1897, Chap. 25, Sec. 19].

SEC. 184. Penalty.—Whoever shall violate any of the provisions hereof as relating to dramshop keepers, where no special penalty is provided, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than ten dollars nor more than one hundred dollars. [R. O. 1897, Chap. 25, Sec. 20].

SEC. 185. Auditor and treasurer to report to county monthly.—It shall be the duty of the city auditor to report to the collector of Buchanan county monthly the number of dramshop licenses issued during the month, together with a list of the persons procuring such license, and the amount due the state and county on the same, said report to be made not later than the second day of the month next succeeding that in which the licenses were issued: and it is hereby made the duty of the city collector to pay over to said county collector the amount due said state

and county as shown by said city auditor's report, on or before the fourth day of the month next succeeding that in which such license fees were collected, and to take said county collector's receipt therefor. [R. O. 1897, Chap. 25, Sec. 21].

SEC. 186. **License may be revoked.**—Whenever it shall be shown to the mayor, upon the written statement of three or more reputable property owners, subscribed and sworn to, that any dramshop keeper has not kept at all times an orderly house, the mayor shall at once notify such dramshop keeper to appear before him, and he shall investigate the charges preferred. If satisfied of the truth of the statement made he shall revoke the license of such dramshop keeper, and if requested by such dramshop keeper he shall forthwith place the papers in the hands of the city attorney, with instructions to institute proceedings in the police court against such dramshop keeper, and if on the trial of such case the dramshop keeper shall be acquitted the revocation of such license by the mayor shall be null and void; provided, that the city auditor shall not grant a license to any person whose license has been revoked, or who has been convicted more than one time during the year preceding his application for a dramshop license for violation of any ordinance relating to dramshops, or has had in his employ in his business of dramshop keeping any person whose license has been revoked. [R. O. 1897, Chap. 25, Sec. 22].

CHAPTER XIV.

ELECTIONS.

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- 187. Elections, where held, how governed, etc.
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- 189. Judges, appointment of, form of oath.
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- 191. Clerks, appointment of, how sworn.
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SECTION

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- 204. Penalty for seizing ballot box.
- 205. Judges to have copy of this chapter.
- 206. Tie vote; how settled by lot.
- 207. Same laws govern special election.
- 208. Vacancies; how filled.
- 209. Special elections to be called.

SEC. 187. **Elections governed, by what laws.**—All elections held for city officers or city purposes in the city of St. Joseph shall be held at such place or places in each ward as the mayor and common council may by ordinance direct, and according to the regulations prescribed by the laws of the state governing registration and elections, and the provisions of this ordinance. [R. O. 1897, Chap. 26, Sec. 1].

SEC. 188. **Notice, how given.**—The mayor shall, by proclamation, give seven days' public notice of the time and place of holding any general or special election by publication in at least two of the daily papers of the city, one of which shall be the official paper of the city, if there be one. [R. O. 1897, Chap. 26, Sec. 2].

SEC. 189. **Judges, appointment of—form of oath.**—The common council shall, at least seven days before the day set for holding an election, appoint six judges of election for each place of voting in the several wards: three of the judges shall be taken

from the political party that polled the largest number of votes at the last preceding general election, and three of the judges from the party that polled the next largest vote. Said judges shall, before entering upon their duties, take the following oath: "I do solemnly swear that I will faithfully and impartially discharge the duties of judge of the present election, according to law, and that I will not disclose how any voter shall have voted, unless I am required to do so as a witness in the proper judicial proceeding, and that I will not allow any person to vote whose name is not duly registered according to law, so help me God:" which oath may be administered by some officer authorized to administer oaths, or by one of their own body who in turn may be sworn by one of the other judges. [R. O. 1897, Chap. 26, Sec. 3].

SEC. 190. Voters may elect judges, when.—If any person appointed to act as a judge fail to be present at the place of election at the time of opening the polls, or being present, declines serving, the voters then and there present to the number of ten or more may elect a qualified person to act as judge of that election. [R. O. 1897, Chap. 26, Sec. 4].

SEC. 191. Clerks, appointment of—how sworn.—The judges of any election shall, before opening the polls, appoint four suitable persons, qualified voters of the ward, to act as clerks of the election, who shall take an oath or affirmation, to be administered by one of the judges of the election, that they will faithfully record the names of all the voters, and also take the oath above prescribed for the judges; but no officer of the city, or candidate for any city office, shall be judge or clerk of any city election. [R. O. 1897, Chap. 26, Sec. 5].

SEC. 192. City clerk to notify judges, deliver ballot boxes and poll books, etc.—The city clerk shall, at least three days before the day set for holding an election cause notice of their appointment to be given to the judges, to one of whom he shall deliver, one day before the election, two ballot boxes, to be designated as number one and number two, and blank poll books with the necessary certificates written or printed in blank therein, together with a list of registered voters resident within the voting precinct and entitled to vote therein at said election duly certified by the clerk of the county court, to be used by the judges of the

election, which certified lists of registered voters of the city clerk shall obtain of the county clerk at the expense of the city for that purpose. [R. O. 1897, Chap. 26, Sec. 6].

SEC. 193. **Manner of conducting elections.**—The judges and clerks of any election shall proceed to conduct the election and perform their respective duties as provided by the general laws of the state and ordinances of this city. [R. O. 1897, Chap. 26, Sec. 7].

SEC. 194. **Ballots, ballot boxes, etc., return of to city clerk.**—The ballots shall, at the close of the count be replaced in the ballot box, which shall be locked and safely sealed up and not reopened by them or with their consent thereafter: and the judges shall, by one of their body, at ten o'clock of the day next following the election, deliver the ballot box and registration lists and poll books, with certificates, to the city clerk at his office. [R. O. 1897, Chap. 26, Sec. 8].

SEC. 195. **Rejected ballots to be preserved and returned.**—All rejected ballots shall be preserved and returned with the books and other ballots in a separate envelope marked "rejected ballots," and the city clerk shall preserve the same for twelve months in his office. [R. O. 1897, Chap. 26, Sec. 9].

SEC. 196. **City clerk and justices to cast up result, etc.**—On the day succeeding that on which any general or special election shall be held, or as soon as the returns of any such election shall be made to him by the judges thereof, it shall be the duty of the city clerk to call in two justices of the peace, and shall, in connection with such justices of the peace, proceed to canvass and verify the returns of the judges and clerks of any such election, and shall certify the result to the common council at the next succeeding session thereof, stating the name of each person voted for, the office for which he is voted for and the aggregate number of votes given to each person, and who are elected, which certificate shall be signed by them. Said justices of the peace shall be entitled to have and receive out of the city treasury the sum of five dollars each for their services. [R. O. 1897, Chap. 26, Sec. 10].

SEC. 197. **Certificate of election to be issued.**—The city clerk shall, on the next day after making the certificate aforesaid,

make out and deliver a certificate of election, under the seal of the city, which certificate shall be signed by the mayor and attested by him, to each person elected, setting forth the office to which he is elected. [R. O. 1897, Chap. 26, Sec. 11].

SEC. 198. Judge or clerk quitting service—penalty.—Any judge or clerk of election who shall have commenced serving as such, and shall fail to perform any of the duties enjoined on him by law or ordinance, except as hereinafter provided, shall forfeit and pay a sum of not less than ten dollars nor more than one hundred dollars. [R. O. 1897, Chap. 26, Sec. 12].

SEC. 199. Judge or clerk sick, another to be selected.—If any judge or clerk of election, after entering upon the discharge of his duties, shall, by sickness or other personal disability, be rendered unable to continue to act, another may be appointed in his place; if a judge, by the qualified voters to the number of ten or more present; if a clerk, by the judges. In such case the person substituted shall make oath as hereinbefore required, and the fact of substitution and the time when it took place shall be noted in the poll book by the clerks. [R. O. 1897, Chap. 26, Sec. 13].

SEC. 200. Ballots not to be examined.—No judge or clerk of election shall examine or suffer any one to examine the ballot of any voter handed in to be deposited in the ballot box, before placing the same therein, or permit any one but the voter handing the same in, or one of the judges to handle the same, or allow any person but one of the judges to handle a ballot box, under a penalty of not less than twenty-five nor more than five hundred dollars. [R. O. 1897, Chap. 26, Sec. 14].

SEC. 201. Judges to preserve order and command arrests.—The judges shall have power to preserve order at the polls, and to command the officer in attendance to arrest and take before the judge of the police court any person who shall, by violent and turbulent conduct, or in any other manner interfere with, hinder, obstruct, disturb or delay the judges or clerks in the discharge of their duties, or any voter exercising the privilege of voting; and for any such offense, the offender shall forfeit and pay a sum of not less than five dollars nor more than fifty dollars. [R. O. 1897, Chap. 26, Sec. 15].

SEC. 202. **Compensation of judges and clerks.**—Each judge and clerk of election shall be entitled to receive the sum of three dollars for each day he may be employed in holding an election, counting the ballots and certifying the vote, and no judge or clerk shall be allowed more than one day's service, except the judge who shall return to the clerk's office the ward or precinct ballot box of said election, who shall be allowed an extra half day's service, the total compensation of said returning judges to be in all four dollars and fifty cents, and the city clerk shall certify to the auditor the amount due to each judge and clerk, whereupon the auditor shall draw a warrant on the treasurer in favor of each person for the amount due him. [R. O. 1897, Chap. 26, Sec. 16].

SEC. 203. **Chief of police to provide officers, etc.**—It shall be the duty of the chief of police to station suitable and a sufficient number of police officers at each place of holding an election, for the purpose of preserving order and decorum, and to enforce the lawful commands of the judges of election. [R. O. 1897, Chap. 26, Sec. 17].

SEC. 204. **Seizing ballot box—penalty.**—Whoever shall, at any election, seize or attempt to seize a ballot box or poll book, with the purpose of carrying off the same by force, shall forfeit and pay a sum of not less than one hundred dollars nor more than five hundred dollars. [R. O. 1897, Chap. 26, Sec. 18].

SEC. 205. **Judges to have a copy of this chapter.**—It shall be the duty of the city clerk to deliver a copy of this ordinance to at least one of the judges of election in the several wards of this city at least one day previous to any election. [R. O. 1897, Chap. 26, Sec. 19].

SEC. 206. **Tie vote, how determined by lot.**—When two or more persons shall have an equal number of votes for the office of mayor, or for any other elective office, the city clerk and justices after canvassing the returns shall certify the same to the common council, who shall proceed to determine the same by lot in the following manner: They shall cause twelve separate ballots or slips of paper to be prepared, equal in size and similar in appearance, the name of each candidate to be written upon an equal number, and neatly folded with the name upon the inside,

and being so prepared, shall be put in a box and well mixed; eleven of which ballots or slips being prepared as aforesaid, shall be then drawn out by the city clerk and counted as votes, and the person whose name is upon a majority of the ballots so drawn shall be declared elected. But if the tie be in the election of an alderman, the parties named in such certificate shall immediately, in the presence of the common council, determine by lot their respective rights; but upon failure from any cause to do so, the same shall be determined as in this section provided for determining other cases. [R. O. 1897, Chap. 26, Sec. 20].

SEC. 207. **Same laws govern special election.**—The provisions of all laws and ordinances in regard to general elections shall, as far as practicable, govern special elections. As many vacancies as exist at any one time shall be filled at one election and under one proclamation. The registration lists of the general election next preceding any special election shall be furnished to the judges at such special election to be used as in case of a general election. [R. O. 1897, Chap. 26, Sec. 21].

SEC. 208. **Vacancies—how filled.**—When a vacancy occurs in any elective office, except that of mayor, within one hundred days next preceding a general city election, the office shall be filled by appointment of the mayor; but when any such vacancy occurs more than one hundred days next before a general election, or if a vacancy shall occur in the office of mayor more than one hundred days next before such general election, a special election shall be had to fill such vacancy. [R. O. 1897, Chap. 26, Sec. 22].

SEC. 209. **Special election, proclamation for.**—Within a reasonable time after notice of a vacancy, the mayor, or if the vacancy be in the mayor's office, the president of the council shall issue his proclamation for a special election, fixing a day therefor, which shall be published in the official newspaper of the city and one other daily paper in the city, for at least seven days next preceding the day so fixed, and shall specify the office or offices to be filled. [R. O. 1897, Chap. 26, Sec. 23].

CHAPTER XV.

FIRE DEPARTMENT, ETC.

ARTICLE

- I. Department and regulation.
- II. Fire limits.
- III. Fire escapes.

ARTICLE

- IV. Prevention of fires.
- V. Storage of combustibles.
- VI. Firemen's pension fund.

ARTICLE I.

DEPARTMENT AND REGULATION.

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- 211. Chief engineer and assistant to be appointed.
- 212. Tenure of office.
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- 224. Loitering around engine house forbidden.
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SEC. 210. **Fire department consists of.**—The fire department of the city of St. Joseph shall consist of one chief engineer, one assistant chief engineer and one foreman for each steam fire engine, hose and hook and ladder company, and as many men for each steam fire engine company not exceeding five, and for each hose company not exceeding five, and for each hook and ladder company not exceeding eight, as the chief engineer shall from time to time deem necessary, by and with the approval of the committee on fire department. [R. O. 1897, Chap. 30, Art. 1, Sec. 1].

SEC. 211. **Chief engineer and assistants.**—The mayor and common council shall appoint a chief engineer and two assistant chief engineers of the fire department. No person shall be appointed either chief engineer or assistant chief engineer unless

he has had at least two years' experience in some fire department, and can read and write and speak the English language, and possesses all other qualifications which are required by law or ordinance before entering upon duty. They shall take the oath of office required by law, and give bond in such amount as the mayor and common council may require. [R. O. 1897, Chap. 30, Art. 1, Sec. 2].

SEC. 212. **Tenure of office.**—The chief engineer and assistant chief engineer shall hold their office until removed for cause; such removal to be effected in the manner provided by law for the removal of other appointed officers of the city. In case of a vacancy in said office, it shall be filled by appointment in the manner provided by section 211. [R. O. 1897, Chap. 30, Art. 1, Sec. 3].

SEC. 213. **Foreman and members, how appointed.**—The foreman and other members of the department shall be appointed by the chief engineer, by and with the consent of the mayor and common council. They may be removed by the chief engineer for neglect of duty or other cause deemed good and sufficient by him, and shall report the same at the first session of the council. [R. O. 1897, Chap. 30, Art. 1, Sec. 4].

SEC. 214. **Qualifications of members.**—No person shall be appointed or employed as a member of the fire department, who is not over twenty-one and under forty years of age, a citizen of the United States, and a legal voter of the city. And all officers and members of the fire department shall not engage in any other occupation or business while officers or members of the department. [R. O. 1897, Chap. 30, Art. 1, Sec. 5].

SEC. 215. **Rules and regulations, how made.**—It shall be the duty of the chief engineer of the fire department to make rules and regulations for the proper government and discipline of the members of the department as he may deem necessary, from time to time, and enforce reasonable penalties upon such members for any violation of the same; but no such rules and regulations shall take effect until the same shall be approved by the mayor and common council. [R. O. 1897, Chap. 30, Art. 1, Sec. 6].

SEC. 216. Pay roll to be made out monthly.—The chief engineer of the fire department shall make out and present to the city auditor a monthly pay roll of the members of the fire department, showing the name of each member, the number of days of service performed by him or his legally appointed substitute, and the amount of compensation due therefor. Said pay roll shall be certified to by the chief engineer of the fire department, and shall have attached thereto his affidavit of the correctness thereof, and shall be the voucher upon which to issue warrants upon the treasurer to pay the members of said department. In case any member of the fire department is unable to perform duty for a period not exceeding ninety days in consequence of any injury received in the performance of his duties as a member of the department, the chief engineer shall report such fact on his pay roll, and when accompanied with the certificate of the city physician, that the member or members thereof is or are unable to perform their duties in consequence of the said injuries, the auditor shall draw a warrant upon the treasurer for service for a period not exceeding ninety days. [R. O. 1897, Chap. 30, Art. 1, Sec. 7].

SEC. 217. Leave of absence and substitute.—Each member of the fire department shall be granted during each year nine days leave of absence from duty and absence on account of accident or sickness shall not be computed as part of such nine days' leave of absence from duty, and absence on account of member granted such leave of absence. The chief engineer shall have power to appoint substitutes to serve during the absence of any member, and substitutes shall receive the same compensation as new members while serving in the place of members absent on nine days' leave, after which they shall receive the same compensation as the member in whose stead they may be acting. [G. O. No. 564, Sec. 1].

SEC. 218. Duties of chief.—The chief engineer shall be responsible for the discipline, good order and proper conduct of the whole fire department, the enforcement of all laws, ordinances and regulations pertaining thereto, and for the care and condition of the houses, engines, hose carriages and all other property of the fire department. He shall have the superintending control and command of all the officers and men belonging

to the department, of all the engine houses and other houses used for the purpose thereof, and of all the engines and other fire apparatus belonging to the city. He shall likewise have control of all persons present at fires, and to that end act as ex officio chief of police and exercise all the powers of the chief of police thereat. He shall wear a proper badge of office, and shall, when a fire breaks out, take immediate and proper measures for its extinguishment. He shall have power, if need be, to summon any or all persons present to aid in extinguishing any fire, or in removing any personal property from any building on fire or in danger thereof, and in guarding the same; and any person refusing to obey such summons shall be deemed guilty of a misdemeanor. The chief of the fire department shall also have the power to order the cutting down and removing of any building, erection, fence or other things if he shall deem it necessary for the purpose of checking the progress of any fire. In case of the absence of the chief engineer from any fire, the assistant chief of the department shall for the time have the powers and perform the duties of such chief. The chief engineer of the fire department, or the assistant chief in command, may prescribe limits in the vicinity of any fire within which no person excepting those who reside therein, or members of the fire and police departments, and those admitted by order of the officers of the fire department or police, shall be permitted to come. [R. O. 1897, Chap. 30, Art. 1, Sec. 10].

SEC. 219. Duty of foreman of company.—It shall be the duty of the foreman of each company to see that the engine, fire apparatus and other property belonging to the department and committed to his care, and the building or buildings in which the same are located, are kept neat and clean and in good condition for immediate use. He shall preserve order and discipline at all times in his company, and enforce the strict observance of the ordinances pertaining to the department and the rules and regulations thereof. All such foremen shall keep such books and records as the chief engineer may require. Any foreman or other member of the department who shall refuse or neglect to obey the orders of the chief engineer shall be discharged from the service. In the absence of the foreman of any company, the chief engineer shall appoint some member of the department to fill his

place and perform his duties during his absence. [R. O. 1897, Chap. 30, Art. 1, Sec. 11].

SEC. 220. **Not to peddle tickets or electioneer.**—No member of the fire department shall take part in any election by peddling tickets or electioneering in any manner. [R. O. 1897, Chap. 30, Art. 1, Sec. 12].

SEC. 221. **To wear uniform and obey orders.**—All members of the fire department shall perform such duties as may be required of them by the chief or assistant chief engineer, or the foreman of their respective companies, and shall wear such uniforms, caps, badges and other insignia as the chief engineer and committee on fire department may direct. [R. O. 1897, Chap. 30, Art. 1, Sec. 13].

SEC. 222. **Causes for discharging, etc.**—Any officer or member of the fire department neglecting or refusing to pay a just debt contracted during his connection with the department, shall be discharged from the service; but no officer or member shall be discharged on account of his religious or political principles. [R. O. 1897, Chap. 30, Art. 1, Sec. 14].

SEC. 223. **Association of firemen prohibited.**—No association, club or organized society of firemen as such, shall be permitted to exist for benevolent purposes. [R. O. 1897, Chap. 30, Art. 1, Sec. 15].

SEC. 224. **Loitering around engine house forbidden.**—Persons not members of the fire department are forbidden to meet or loiter around the engine houses or other houses used by the department. Men on duty at such houses who allow the same shall be subject to dismissal. [R. O. 1897, Chap. 30, Art. 1, Sec. 16].

SEC. 225. **Right of way must not be obstructed.**—All fire apparatus shall have the right of way upon any street, avenue or highway when going to any alarm of fire. Any person, owner, driver, conductor or engineer of any buggy, wagon, carriage, street railroad car, steam railroad car or other vehicles propelled by hand, horse or steam power, who shall carelessly, wantonly, maliciously or otherwise obstruct or intercept the right of way of the fire department while going to a fire, shall be deemed guilty of a

misdemeanor, and, upon conviction, be fined not less than five nor more than twenty dollars. [R. O. 1897, Chap. 30, Art. 1, Sec. 17].

SEC. 226. **Records to be kept by chief.**—The chief engineer shall keep or cause to be kept in suitable books a record of the names, ages and residences of all the members of the fire department, the time of their admission and discharge and an inventory of all property belonging to the department. He shall also keep a record of every fire that may occur, showing what property was destroyed, giving its description, name of owner and occupant, where situated, its value, the amount of loss and insurance. He shall also keep a record of false alarms of fires, of the expense connected with the department and each company thereof, and of such facts as he may deem of value to be preserved at the close of each year. He shall report to the comptroller a summary of the record kept during the year, and also submit an estimate of the supplies necessary for the next fiscal year. [R. O. 1897, Chap. 30, Art. 1, Sec. 18].

SEC. 227. **Property of, when and how sold.**—No property of the city provided for the fire department shall be sold, except by order of the mayor and common council. The proceeds of all sales of any such property shall be deposited immediately in the treasury by the person making such sale, taking triplicate receipts thereof, one to be deposited with the comptroller, one with the auditor and the other retained. Each receipt must recite on what account the money was received and to what fund credited. The treasurer shall place all moneys so deposited to the credit of the expense fund of the fire department; and all moneys so deposited shall not be appropriated to any other purpose or transferred to any other fund. [R. O. 1897, Chap. 30, Art. 1, Sec. 19].

SEC. 228. **Members to report nuisances.**—The members of the department shall report all nuisances which may come to their knowledge to the clerk of the board of health; and report all defective sidewalks, curbing and guttering to the city engineer. All such reports must be made in writing, and must be signed by the person making the report. [R. O. 1897, Chap. 30, Art. 1, Sec. 20].

ARTICLE II.

FIRE LIMITS.

SECTION

- 229. Fire limits of first class.
- 230. Buildings within; how to be constructed.
- 231. Second-class; boundaries of defined.
- 232. Buildings within; how constructed.
- 233. Raising and removal of wooden buildings.

SECTION

- 234. Penalty for violation of ordinance.
- 235. Superintendent of buildings to order removal of wooden buildings.
- 236. Lumber yards excluded from fire limits; penalty.

SEC. 229. **Fire limits of first class.**—All that part of the city of St. Joseph embraced within the following boundaries shall be known as the fire limits of the first class: Commencing at a point where Levee (Dewey avenue) street intersects the Missouri river, thence north along the center of Levee street (Dewey avenue) to Jules street, thence east along the center of Jules street to the center of Main street, thence north along the center of Main street to the center of Faraon street, thence east along the center of Faraon street to the center of Fifth street, thence north along the center of Fifth street to the center of Antoine street, thence east along the center of Antoine street to the center of Sixth street, thence north along the center of Sixth street to the center of Hall street, thence east along the center of Hall street to the center of Ninth street, thence south along the center of Ninth street to the center of Robidoux street, thence east along the center of Robidoux street to the center of Tenth street, thence south along the center of Tenth street to the center of Messanie street, thence west along the center of Messanie street to the Missouri river, thence along the river in a northerly direction to the point of beginning. [R. O. 1897, Chap. 30, Art. 2, Sec. 1].

SEC. 230. **Buildings within—how constructed.**—No building shall be erected within the fire limits of the first class unless the same shall be constructed in conformity with the general ordinances of the city, and the following provisions: All outside and party walls shall be made of stone, brick or other fireproof materials; said walls shall not be less than eight inches in thickness. [R. O. 1897, Chap. 30, Art. 2, Sec. 2].

SEC. 231. **Second class—boundaries of defined.**—All that portion of the city of St. Joseph lying outside of the boundaries of the fire limits of the first class and within the boundaries in this section defined, shall be known as the fire limits of the second class: commencing at a point where Levee street (Dewey avenue) intersects the Missouri river, thence north along the center of Levee street (Dewey avenue) to the center of Jules street, thence east along the center of Jules street to the center of Main street, thence north along the center of Main street to the center of Louis street, thence east along the center of Louis street to the center of Sixth street, thence north along the center of Sixth street to the south line of lot 18, Ege's addition, thence easterly along the said south line to the south line of lot 31, same addition, to the south line of lot 3, block 3, county's addition, and the south line of St. Joseph Improvement addition to the alley between said Improvement addition and Roger's addition, thence south along said alley to the north line of Henry street, thence east along the said north line of Henry street to the north line of Thomas Henry's addition and the north line of Avenue addition to Mt. Mora road, thence north along the center of Mt. Mora road to the south line of Mt. Mora cemetery, thence east along the south line of Mt. Mora cemetery to the center of Seventeenth street, thence south on the center of Seventeenth street to the alley in block 2, Oliver, Glass and Wilson's addition, thence east on said alley to the center of Eighteenth street, thence north on the center of Eighteenth street to the center Colhoun street, thence east on the center of Colhoun street to the center of Nineteenth street, thence north on the center of Nineteenth street to the alley in block 6. Highley's addition, thence east on said alley to the center of Twentieth street, thence north on the center of Twentieth street to the north line of the alley in block 2, Highley's addition, thence east on the north line of said alley and said line produced east of Twenty-second street, thence south on the center of Twenty-second street to the center of Colhoun street, thence west on the center of Colhoun street to the center of Twentieth street, thence south on the center of Twentieth street to the alley in block 5, Kemper's addition, thence west on said alley to the center of Nineteenth street, thence south on the center of Nineteenth street to the center of Union street, thence west on the center of Union street to the west line of lot 1, block 3,

Kemper's addition, thence south on the west line of lots 1 and 12, block 3, and lots 5 and 16, block 2, and lot 2, block 1, all in Kemper's addition, to the center of Eighteenth street, thence south on the center of Eighteenth street to the center of Edmond street, thence west on the center of Edmond street to the center of Fifteenth street, thence south on the center of Fifteenth street to the center of Messanie street, thence west on the center of Messanie street to the center of Eleventh street, thence south on the center of Eleventh street to the center of Mitchell avenue, thence west on the center of Mitchell avenue to the Missouri river, thence north-erly along the river to the point of beginning. [R. O. 1897, Chap. 30, Art. 2, Sec. 3].

SEC. 232. **Buildings within—how constructed.**—No buildings shall be erected within the fire limits of the second class unless the same shall be constructed in conformity with the following provisions: All outside and party walls shall be made of stone, brick or other fireproof materials; said walls shall not be less than eight inches in thickness; provided, that the superintendent of buildings may issue a permit for the construction of buildings within the fire limits of the second class, said buildings to be of wood, iron or other material, to be erected according to the ordinances of the city, upon petition of three-fourths of the resident property owners owning property in the platted block in which said building is to be located. [R. O. 1897, Chap. 30, Art. 2, Sec. 4].

SEC. 233. **Raising and removal of wooden buildings.**—Permission is given to all owners and occupants of buildings in the fire limits to raise wooden buildings to the established grade, and to build basements or cellars of brick or stone under the building so raised; but otherwise, no wooden building or part of building within the fire limits shall be raised or enlarged, nor shall the same be removed to any other lot, nor shall any wooden building be removed through any of the streets or avenues within the first class fire limits without having been first taken down, nor shall any such building be removed into the fire limits; provided, that when the sidewalks may be raised above the threshold of any building, said building may be so far raised as to keep the first floor a reasonable distance, not to exceed eight inches, above the sidewalk, without brick or stone foundation. [G. O. No. 817, Sec. 1].

SEC. 234. **Penalty for violation of ordinance.**—Any owner, builder or other person who shall own, build or aid in the erection of any building or part of building within the said limits, contrary to the provisions of this ordinance, or who shall raise or enlarge or assist in raising or enlarging any wooden building in said limits, remove or cause to be removed through the streets or avenues in the fire limits any wooden building without first tearing down the same, or who shall own, remove or assist in removing any wooden building within said fire limits of the first class, from one lot to another therein, or who shall own, remove or assist in removing any such building from without said limits into the same, contrary in either case to any foregoing provision of this ordinance, shall be subject to a fine of not less than twenty-five dollars and not exceeding five hundred dollars, in the discretion of the police judge, for the first offense, and to a like fine for every forty-eight hours such person shall fail to comply with the provisions of this ordinance, or continue in the violation thereof. [G. O. No. 817, Sec. 2].

SEC. 235. **Superintendent of buildings to order removal of wooden buildings.**—Whenever any wooden building shall be erected, enlarged or removed, or in process of erection, enlargement or removal contrary to the provisions of this ordinance, upon information, it shall be the duty of the superintendent of buildings to issue an order to the owner, occupant, person in charge or builder thereof, to have such building taken down or removed to some place outside the fire limits forthwith; and upon the refusal or neglect of such person to comply with the requirements of such order within forty-eight hours after having received the same, the superintendent of buildings shall cause said buildings to be removed, and the expense thereof may be recovered of the owner of such building by suit. [R. O. 1897, Chap. 30, Art. 2, Sec. 7].

SEC. 236. **Lumber yard excluded.**—No person or persons shall keep a lumber yard for the sale of lumber upon any premises within the fire limits of either class which are not now legally occupied for that purpose, under a penalty upon the person of persons keeping the same, of fifty dollars for every offense, and a like penalty for every week the same shall be allowed to remain. [R. O. 1897, Chap. 30, Art. 2, Sec. 8].

ARTICLE III.

FIRE ESCAPES.

SECTION

237. What buildings must be provided with fire escapes.
 238. Duty of owner to provide escapes.
 239. Of what and how constructed.
 240. Penalty for failing to provide escapes.

SECTION

241. Rope or ladder to be provided in hotel.
 242. Balcony, etc., to be provided in certain cases.
 243. Notice of, to be posted in room.
 244. Penalty for violating ordinance.

SEC. 237. What buildings must be provided with fire escapes.
 —All buildings within the corporate limits of the city of St. Joseph three stories high or over, wherein ten or more persons are employed or are accustomed to remain for a period of two hours or more during the day or night, and all tenement houses, three stories high or over, occupied by five families or more, or lodging or boarding houses three stories high or over, occupied by ten or more lodgers or boarders, and all drug houses, liquor stores, distilleries, breweries, chemical works and buildings where combustible materials are kept and stored temporarily or permanently, three stories high or over, and all manufactories three stories high or over wherein ten or more persons are employed to work, and all opera houses, theaters, hotels, public halls, lodge rooms, museums, lecture rooms, public libraries and buildings used for places of amusement of any kind, or buildings wherein crowds of people are invited to assemble for any purpose, and all buildings three stories high or over, occupied for office purposes, and all hospitals or convents, and all buildings three stories high or over where persons are employed to labor in any capacity to the number of ten or more, shall be provided with fire escapes as described in this ordinance. [R. O. 1897, Chap. 30, Art. 3, Sec. 1].

SEC. 238. Duty of owner to provide, etc.—It shall be the duty of the owner or any person in charge of any house or building mentioned in the next preceding section, upon the passage of this ordinance and within thirty days after he shall have been notified in writing so to do by the superintendent of buildings

of the city of St. Joseph, to erect or cause to be erected, at least two fire escapes upon such buildings as herein provided. [R. O. 1897, Chap. 30, Art. 3, Sec. 2].

SEC. 239. **Construction of fire escapes.**—The fire escapes shall be a permanent iron or metal ladder securely attached to the building, at least eighteen inches wide and set at least six inches away from the wall, and at each story to be provided with a balcony or landing at least three feet square, so as to be accessible from the window or door thereof; such ladder shall be long enough and so placed as to begin three feet above the top of the building and extend downward to within fourteen feet of the ground. The fire escape shall be placed on the front or two opposite sides, or near the end of the building where the greatest number of openings are, and so as to be accessible from such openings. [R. O. 1897, Chap. 30, Art. 3, Sec. 3].

SEC. 240. **Penalty for failing to provide escape.**—Any person owning any such building as described in this ordinance, or any person in charge thereof as agent or otherwise, who shall fail to comply with the provisions of this ordinance, shall be deemed guilty of a misdemeanor, and upon conviction, shall be punished by a fine of not less than twenty-five dollars nor more than five hundred dollars. [R. O. 1897, Chap. 30, Art. 3, Sec. 4].

SEC. 241. **Rope or ladder to be provided in hotel.**—It is hereby made the duty of every keeper or proprietor of every hotel or lodging house in this city of over two stories in height, to provide and securely fasten in every lodging room above the second story which has an outside window and is used for the accommodation of guests or employes, a rope or rope ladder for the escape of the lodgers therein in case of fire, of at least one inch in diameter, which shall be securely fastened within such room, as near a window as practicable, and of sufficient length to reach therefrom to the ground on the outside of such hotel or lodging house, and made of strong material and as secure against becoming inflamed as practicable. Such rope or rope ladder shall be kept in good repair and condition. In lieu of a rope or rope ladder there may be substituted any other appliance that may be deemed of equal or greater utility by the chief engineer of

the fire department; but such appliance shall in all cases be so constructed as to be under the control and management of any lodger in such room. [R. O. 1897, Chap. 30, Art. 3, Sec. 5].

SEC. 242. Balcony, etc., to be provided in certain cases.—Every hotel or lodging house in this city over two stories in height, shall be provided, without delay, with permanent iron balconies with iron stairs leading from one balcony to the other, to be placed at the end of each hall above the second story, in case such hotel is over one hundred and fifty feet in length, and in other cases such number as may be directed by the chief engineer of the fire department. Such balconies and iron stairs shall be constructed at the expense of the owner of such hotel or lodging house. [R. O. 1897, Chap. 30, Art. 3, Sec. 6].

SEC. 243. Notice of, to be posted in room.—It shall be the duty of every such proprietor or keeper of any hotel or lodging house, to post notices in every such room of such hotel or lodging house, calling attention to the fact that this ordinance has been complied with, and the part of such room where such coil of rope or rope ladder is fastened; also the location of the iron balconies and stairs. [R. O. 1897, Chap. 30, Art. 3, Sec. 7].

SEC. 244. Penalty for violating ordinance.—Any violation of any of the provisions of this ordinance shall be deemed a misdemeanor, and any person convicted thereof shall be punished by a fine of not less than twenty-five dollars nor more than five hundred dollars. [R. O. 1897, Chap. 30, Art. 3, Sec. 8].

ARTICLE IV.

PREVENTION OF FIRES.

SECTION

- 245. Power of chief of fire department.
- 246. Stoves; how erected.
- 247. Regulation of stove pipes.
- 248. Ignition of combustibles in street.
- 249. Lighted lamps and candles.
- 250. Stacking of combustible substances.
- 251. Fire carried through streets.
- 252. Stove or furnace to be on platform.

SECTION

- 253. Spark arrester in blacksmith shops.
- 254. Fires in shops to be extinguished.
- 255. Shavings, regulations concerning.
- 256. Nitro-glycerine not to be kept.
- 257. Discharging firearms, etc.; permit for.
- 258. Penalty.

SEC. 245. Power of chief of fire department.—The chief of the fire department shall have power to require all persons to correct, remove or abate any state of things done, caused, suffered or permitted by them in violation of the provisions of this ments, to correct, remove or abate the same themselves, calling if necessary the assistance of the police; and all costs attending their action in such case shall be recovered against the parties offending. [R. O. 1897, Chap. 30, Art. 4, Sec. 1].

SEC. 246. Stoves—how erected.—No person shall in this city set up or use a stove, the top or any side of which shall be within two feet of any part of the wood work of the wall or partition of any building, without protecting such woodwork with a metallic covering, so as to effectually prevent the same from taking fire from such stove. [R. O. 1897, Chap. 30, Art. 4, Sec. 2].

SEC. 247. Regulation of stove pipes.—In all cases in this city where a stove pipe projects or passes through the woodwork of a building, the pipe shall be separated from such roof or woodwork at least six inches by sheet iron or other incombustible material, and shall project above or beyond the roof or wall of a wooden building, as the case may be, at least four feet. [R. O. 1897, Chap. 30, Art. 4, Sec. 3].

SEC. 248. **Ignition of combustibles in streets.**—No hay, straw, shavings or other combustible matter shall be set fire to or burned in any street, alley or other thoroughfare or public place in this city nearer than sixty feet to any house, barn, shed or other building, unless by the direct permission in writing or superintendence of the chief of the fire department. [R. O. 1897, Chap. 30, Art. 4, Sec. 4].

SEC. 249. **Lighted lamps and candles.**—No lighted candle or lamp shall be used in any stable or other place or building in this city where hay, straw or other combustible material shall be kept, unless the same shall be well secured in a lantern. [R. O. 1897, Chap. 30, Art. 4, Sec. 5].

SEC. 250. **Stacking of combustible substances.**—No person or persons shall deposit or stack any hay, straw or other combustible substance within sixty feet of any dwelling house, stable, out house or building of any description in this city, without first having obtained written permission from the chief of the fire department. [R. O. 1897, Chap. 30, Art. 4, Sec. 6].

SEC. 251. **Fire carried through streets.**—No person shall carry fire in or through any street or alley or other thoroughfare in this city, except the same be placed or covered in some close or secure pan or other vessel. [R. O. 1897, Chap. 30, Art. 4, Sec. 7].

SEC. 252. **Stove or furnace to be on platform.**—Any person setting up any stove or furnace in any building in this city, shall place the same on a platform of brick, sheet iron or other fire-proof material, extending at least six inches in every direction beyond the part of the lower plate which fronts the door of the stove or furnace. [R. O. 1897, Chap. 30, Art. 4, Sec. 8].

SEC. 253. **Blacksmith shops shall have spark arrester.**—The chimneys or flues of every blacksmith shop or forge in this city shall have a fire-spark arrester of woven wire placed on the top or within said chimneys or flues, as may be directed by the chief of the fire department, and such part of all such shops shall be plastered as said chief may, in his discretion, deem necessary to guard against fire. [R. O. 1897, Chap. 30, Art. 4, Sec. 9].

SEC. 254. **Fires in shops to be extinguished.**—No person shall, in this city, leave fire after working hours in any shop, unless the same be well secured, so that no building or other property may be endangered thereby. [R. O. 1897, Chap. 30, Art. 4, Sec. 10].

SEC. 255. **Shavings—regulations concerning.**—Every person keeping or occupying a shop or other building in this city, wherein shavings or other combustible materials are made, accumulate or may be contained, shall clear or remove the same out of such building and the yards belonging thereto at least once in each week, and at any other time when directed by the chief of the fire department so to do; provided, such shop or other building is situated within one hundred feet of any other building. [R. O. 1897, Chap. 30, Art. 4, Sec. 11].

SEC. 256. **Nitro-glycerine not to be kept.**—No person shall manufacture, bring or keep in this city any nitro-glycerine in any quantity whatever, under a penalty of not less than fifty dollars for every such offense, and a like penalty for every hour the same shall be kept in violation of this section. [R. O. 1897, Chap. 30, Art. 4, Sec. 12].

SEC. 257. **Discharging firearms—permit for.**—No person shall in this city fire or discharge any cannon, gun, fowling piece, pistol or firearm of any description, or fire, explode, or set off any squib, cracker or other thing containing powder or other combustible or explosive material without permission from the common council, or written permission from the mayor, which permission shall limit the time of such firing, and shall be subject to be revoked by the mayor or common council at any time after it has been granted. [R. O. 1897, Chap. 30, Art. 4, Sec. 13].

SEC. 258. **Penalty.**—Any person who shall fail or neglect to comply with any or either of the foregoing requirements of this ordinance, or who shall violate any section, clause or provision of any of the preceding sections thereof, where no penalty is specially imposed, shall, on conviction, pay a fine of not less than two dollars nor more than fifty dollars. [R. O. 1897, Chap. 30, Art. 4, Sec. 14].

ARTICLE V.

STORAGE OF COMBUSTIBLES.

SECTION

259. Storage of phosphorus, coal oil, etc.
260. May be stored; where.
261. Oil must be confined, when.

SECTION

262. Lighter fluids, storage of.
263. Night watch to be kept, when.
264. Penalty.

SEC. 259. **Phosphorus, coal oil, etc., storage of.**—No person, company or corporation shall keep or store in or about any premises owned or occupied by them, within the limits of this city, except as hereinafter provided, for retail, jobbing or other purposes, any of the following articles in greater quantities than are herein specified: Ten pounds of phosphorus, five barrels of coal oil, two barrels of naphtha, one barrel of benzine, gasoline or any other oil or fluid of whatever name that is in whole or part the product of petroleum; and such oil or fluid must be of the approved state standard, duly inspected and stamped by the proper officer. [R. O. 1897, Chap. 30, Art. 5, Sec. 1].

SEC. 260. **May be stored, where.**—Nothing contained in this ordinance shall be so construed as to exclude any person, company or corporation from storing coal oil of the approved state standard in lots not to exceed three hundred barrels outside of the fire limits of the first and second class in houses that are located at least one hundred and fifty feet from any building of any kind whatever, except railroad depots located one hundred and fifty feet from other buildings. [R. O. 1897, Chap. 30, Art. 5, Sec. 2].

SEC. 261. **Oil Must be confined, when.**—The ground surrounding any building in which coal oil is stored, as provided in section 260 of this ordinance, shall be so arranged that in case of fire or other accident the oil therein contained shall be confined within a radius of fifty feet from the center of the building or tank containing such coal oil. [R. O. 1897, Chap. 30, Art. 5, Sec. 3].

SEC. 262. **Lighter fluids to be kept, how.**—Oils and fluids lighter than the state standard that have not been inspected and stamped shall not be stored in quantities to exceed seventy-five barrels, and then only in strictly fireproof buildings outside of the fire limits of the first and second class, and located at least one hundred and fifty feet from any other building, and the ground surrounding it must be prepared in all respects as provided for in reference to coal oil in the next preceding section. [R. O. 1897, Chap. 30, Art. 5, Sec. 4].

SEC. 263. **Night watch to be kept, when.**—Any person, company or corporation storing coal oil within the city, as permitted by section 260 of this ordinance, is hereby required to keep a watchman or guard from sunset until sunrise of the following day, on each and every night such oil may be so stored, stationed at or about the place of storage, whose duty it shall be to guard said oil and give alarm of danger therefrom in case of fire. [R. O. 1897, Chap. 30, Art. 5, Sec. 5].

SEC. 264. **Penalty.**—Any person, company or corporation violating any of the provisions of the preceding sections of this ordinance shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not to exceed two hundred dollars. [R. O. 1897, Chap. 30, Art. 5, Sec. 6].

ARTICLE VI.**FIREMEN'S PENSION FUND.****SECTION**

265. Pension fund—how created.

266. Auditor to draw warrant in payment.

SECTION

267. Authority for this act.

SEC. 265. Pension fund—how created.—There is hereby set apart one per centum of all revenue received for municipal purposes by the city of St. Joseph from licenses issued by said city for the present fiscal year, and each year hereafter, as a fund for the pensioning of crippled and disabled members of the fire department of said city, and of the widows and orphans of deceased firemen. [G. O. No. 767, Sec. 1].

SEC. 266. Auditor to draw warrant in payment.—It shall be the duty of the auditor of the city each month to draw his warrant, payable to the treasurer of the "board of trustees of the fireman's fund," for all moneys in the city treasury set apart as provided in section 265 of this ordinance. [G. O. No. 767, Sec. 2].

SEC. 267. Authority for this act.—This ordinance is passed pursuant to the powers granted to cities of the second class under and by the provisions of section 6411 of the Revised Statutes of Missouri, 1899, and pursuant to the authority granted by the people of the city of St. Joseph at the election heretofore held for that purpose. [G. O. No. 767, Sec. 3].

CHAPTER XVI.

GARBAGE.

SECTION

268. Garbage mover shall register, etc.
 269. Charges regulated.
 270. Suitable vehicle required; must bear label; inspection of, etc.
 271. Occupants of buildings must provide receptacle, etc.

SECTION

272. Penalty for throwing garbage in street.
 273. May dispose of garbage, how.
 274. Penalty.
 275. Dead animals—board of health to contract for removal of same.

SEC. 268. Garbage mover shall register, etc.—No person, association or corporation shall engage in removing or collecting garbage, dead animals, offal, manure, ashes and other refuse, offensive and filthy matter, or shall be allowed to remove, transport or haul the same through the streets of the city of St. Joseph without first having registered with the clerk of the board of health his residence, description of cart, vehicle or other receptacle used to remove garbage, and the district or locality said cart, vehicle or other receptacle is to be used in; and each person or corporation so engaged shall be subject to the rules, conditions and restrictions hereinafter contained. [R. O. 1897, Chap. 31, Sec. 1].

SEC. 269. Charges regulated.—No person, corporation or association shall charge to exceed fifty cents per month for removing garbage from a five-room residence nor more than one dollar per month for removing garbage from a residence containing over five rooms. [G. O. No. 834, Sec. 2].

SEC. 270. Suitable vehicle required — inspection of.—All tanks hauling wet garbage, slops, contents of privy vaults and cesspools shall be made of steel or iron not less than three feet in diameter, twenty-six inches high and eight feet long, constructed and arranged so as to be water tight, and prevent leaking, dropping or scattering of their contents, and so as to prevent the escape of odors and effluvia therefrom. Each tank thereon shall bear on both sides thereof a prominent sign "city garbage." All wagons hauling wet garbage, slops, contents of privy vaults and cesspools shall have a wagon box not less than twenty-

eight inches high, three feet wide and eight feet long, completely lined, with a tight galvanized iron lid, constructed and arranged so as to be water tight and to prevent the leaking, dropping or scattering of their contents, and so as to prevent the escape of odors and effluvia therefrom. Each wagon box thereon shall bear on both sides thereof a prominent sign "city garbage." All wagons hauling manure, cinders, ashes and paper, etc., shall have a tight wagon box not less than thirty inches high, three feet wide and eight feet long, constructed and arranged so as to prevent dropping, leaking and scattering of the contents, and so as to prevent the escape of odors and effluvia therefrom. Each wagon shall be provided with a heavy wooden or metal cover, which shall completely cover the load and be securely fastened. Each wagon thereon shall bear on both sides thereof a prominent sign "city garbage." In removing dead animals they shall be placed on drays or carts covered from sight, and shall not be dragged on the ground. All tanks and garbage wagons shall at all times be subject to the inspection of the health officer and sanitary inspectors, and if in their judgment any vehicle should prove defective he shall have the power to prohibit the use of same until put in proper repair. [G. O. No. 834, Sec. 3].

SEC. 271. Occupants must provide receptacle and remove garbage.—It shall be the duty of each and every occupant of any dwelling house, shop, store room, office or other room or building in which fire is or may be kept, or in and about any kitchen garbage, offal or other refuse matter of any kind may accumulate, to place such offal, garbage, ashes or other refuse, offensive or filthy matter in metallic cans, with a tight metallic lid, and also for manure, ashes, etc., a tight covered box, to be provided by such occupant for such purpose, and place the same in the rear of the premises of such occupant, or at such other place as not to cause offense or annoyance, and so as to be reasonably accessible for the purpose of removal, and it is hereby made the duty of such occupant to remove, or cause to be removed, all such garbage, ashes, offal, refuse or filthy material not less than twice each week during the months of May, June, July, August and September, and during the remainder of the year once each week, and upon failure or refusal of any such occupant to remove or cause to be removed such garbage or refuse material according to the provisions hereof, said occupant or occupants shall be deemed guilty of

a misdemeanor, and upon conviction thereof shall be fined in any sum not to exceed two hundred dollars for each and every offense. [G. O. No. 834, Sec. 4].

SEC. 272. Penalty for throwing garbage in street.—It is hereby made unlawful for any person or persons to throw or cause, permit or authorize to be thrown or deposited in or upon any street or alley in the city of St. Joseph any garbage, manure or ashes, offal, night soil, refuse, offensive, filthy or putrid matter of any kind whatever, or to cause, to allow or permit to be thrown, accumulate or remain upon his or her premises any such garbage or refuse matter so as to cause a stench or any nuisance therefrom, and any person or persons violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than one dollar and not more than twenty dollars for each and every offense. [R. O. 1897, Chap. 31, Sec. 5].

SEC. 273. May dispose of garbage, how.—Any person, association or corporation having complied with the provisions of this ordinance shall be entitled to use or dispose of any garbage or other refuse material, except the carcasses of dead animals collected by him or it, as not to cause a nuisance. [G. O. No. 629, Sec. 6].

SEC. 274. Penalty.—It is hereby declared to be unlawful for any person, association or corporation to engage in collecting, removing or transporting along the streets in St. Joseph any garbage, offal, manure, ashes, dead animals or refuse, offensive, filthy or putrid matter of any kind whatever without having first complied with all the rules, restrictions and conditions contained in this ordinance, and any person, association or corporation so offending shall be deemed guilty of a misdemeanor, and on being convicted of such offense shall be fined in the sum of not less than five dollars nor more than twenty dollars for each offense. [R. O. 1897, Chap. 31, Sec. 7].

SEC. 275. Dead animals—board of health authorized to contract for removal of.—The board of health is hereby authorized and directed to contract for the free removal of the carcasses of all dead animals lying on the streets, alleys or public places of the

city of St. Joseph or on private premises therein for a term of not exceeding five years from the date of the contract. It shall be the duty of the police department to notify the contractor, his servants or agents of the whereabouts of every animal carcass which they may find, or the existence of which within the city limits they may be informed, as soon as possible, and within six hours of daylight time, after his being so notified or receiving notice of such fact, it shall be the duty of said contractor to remove the same. Any failure on the part of said contractor to remove the carcass of any dead animal within the time so specified shall be deemed a misdemeanor, and upon the conviction thereof he shall be fined in any sum not less than five nor more than twenty-five dollars for each and every offense. The contractor appointed by the board of health shall have the exclusive right to remove and dispose of the carcass of any dead animal found lying upon the streets, alleys or public places of the city of St. Joseph, or on private premises therein not removed by the owner within six hours of daylight time after the death of such animal. Any person or persons, co-partnership or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than five nor more than twenty-five dollars for each and every offense. [G. O. No. 629, Sec. 8].

CHAPTER XVII.

GUNPOWDER.

SECTION

276. Storage of gunpowder regulated.
 277. Sign to be kept at door; sold when.
 278. Must be secured when carried.
 279. Same; in vehicles.

SECTION

280. Penalty for unlawfully concealing.
 281. Search warrant to issue.
 282. Police to report violations.

SEC. 276. Storage of gunpowder regulated.—Not exceeding three pounds of gunpowder shall be kept or stored by any person in any store, dwelling, building or other place within this city, except that retailers or venders of gunpowder, in small quantities, may, for that purpose, keep any quantity not exceeding thirty pounds: Provided, that the same be kept in air tight tin or metal canisters, or stone jars, with good and closely fitted and well secured covers thereon; and, provided further, that such quantities of gunpowder as may be required for the supply of wholesale dealers, making up bills for the country trade, may be brought into the city and kept therein from powder magazines or depots outside the city between the hours of seven o'clock in the morning and six o'clock in the evening, but during no other hours, and the same shall be kept in airtight tin or metal canisters or stone jars, as above provided, and placed in some building or zinc covered box separated from or outside the regular place of business. Any person violating, neglecting or refusing to comply with any provisions herein shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in a sum not exceeding one hundred dollars. [R. O. 1897, Chap. 32, Sec. 1].

SEC. 277. Must keep sign at door—not to be sold, when.—Every merchant keeping gunpowder for sale shall keep a sign at the front door of his place of business with the words "powder for sale," painted or printed thereon in letters at least three inches in height; and no person shall sell or weigh any gunpowder after the lighting of lamps in the evening, unless in sealed canisters or cases, under a penalty of ten dollars for every such offense. [R. O. 1897, Chap. 32, Sec. 2].

SEC. 278. **Must be secured when carried.**—No person shall convey or carry any gunpowder (exceeding two pounds in quantity), through any street, alley or other thoroughfare in this city in any cart, carriage, wagon, dray, wheelbarrow or otherwise, unless the said gunpowder be secured in tight cases, canisters or kegs well headed and hooped, sufficient to prevent such gunpowder from being spilled or scattered, under a penalty of twenty dollars for every such offense. [R. O. 1897, Chap. 32, Sec. 3].

SEC. 279. **Same; in vehicles.**—Any person having charge of any vehicle carrying more than twenty-five pounds of gunpowder, and shall have such vehicle with the gunpowder thereon within the limits of this city for a longer time than one hour, and any person who shall suffer more than one keg of twenty-five pounds of gunpowder in his charge to be upon any street, alley or sidewalk longer than thirty minutes shall, in either case, forfeit and pay a sum of not less than five dollars nor more than fifty dollars. [R. O. 1897, Chap. 32, Sec. 4].

SEC. 280. **Penalty for unlawfully concealing.**—Whoever shall knowingly bring within the limits of this city any quantity of gunpowder concealed in a box, barrel, parcel, package or other thing marked and purporting to be other than gunpowder shall forfeit and pay one hundred dollars, and the gunpowder so concealed shall be forfeited and seized, and sold by the chief of police, and the proceeds, after paying the expenses of said sale, shall be paid into the city treasury. [R. O. 1897, Chap. 32, Sec. 5].

SEC. 281. **Search warrant to issue.**—If any affidavit be presented to the judge of the police court showing probable cause to believe any person keeps, has, possesses or conceals any gunpowder in violation of this chapter, he shall issue to the chief of police a search warrant, commanding him to search any place therein designated in quest of such gunpowder, which warrant shall be forthwith rigidly executed. [R. O. 1897, Chap. 32, Sec. 6].

SEC. 282. **Officers to report violations.**—It shall be the duty of the officers of the police and fire department to report all violations of this chapter which may come to their knowledge to the city attorney for prosecution. [R. O. 1897, Chap. 32, Sec. 7].

CHAPTER XVIII.

HEALTH DEPARTMENT.

ARTICLE

- I. Board of Health.
- II. Health officer.
- III. Clerk of Board of Health.
- IV. Sanitary inspector.
- V. City Hospital.

ARTICLE

- VI. City dispensary.
- VII. Mortuary records.
- VIII. Vital statistics.
- IX. Quarantine.
- X. Adulteration of foods.

ARTICLE I.

BOARD OF HEALTH.

SECTION

- 283. Board of Health; members.
- 284. Headquarters of Board.
- 285. Quorum; meetings.
- 286. Accounts; how approved and certified.

SECTION

- 287. Powers.
- 288. Board shall visit hospital and workhouse.

SEC. 283. **Board of health—members.**—There shall be created in and for the city of St. Joseph a board of health, which board shall be composed of three members of the common council, who shall be appointed each year by the president of the council and the following members, who shall be ex-officio members of said board: The chief of police, health officer, who shall be sanitary superintendent, assistant health officer, sanitary inspector, plumbing inspector and the clerk of said board. [G. O. No. 854, Sec. 1].

SEC. 284. **Headquarters of board.**—A suitable office shall be provided by the city for the board of health and its members. Such office shall be at the headquarters of the clerk of said board and the sanitary and plumbing inspectors. [G. O. No. 854, Sec. 2].

SEC. 285. **Quorum—meetings.**—A majority of said board of health shall constitute a quorum for the transaction of business. Said board shall meet at least once a week, or at any time on the call of their president. [G. O. No. 854, Sec. 3].

SEC. 286. **Accounts—how approved and certified.**—Before any money is paid out the account therefor shall be examined and approved by a majority of said board, signed by the president and attested by the clerk: and such account, when so signed, approved and certified, shall be audited by the auditing committee of the common council in the same way as other accounts are audited and allowed. [G. O. No. 854, Sec. 4].

SEC. 287. **Powers.**—Said board shall cause any avenue, street, alley or other passageway whatever to be fenced up or otherwise enclosed, if they shall think the public safety requires it, and shall adopt suitable measures for preventing any person from going to or coming from any part of the city so enclosed; and shall direct any bedding, clothing, putrid or unsound meat, beef, pork, fish, hides or skins of any kind, or any other article or thing found within said city, which, in their opinion, may be dangerous to the public health, to be destroyed in such manner as they shall direct, in which event said board shall order the removal or destruction of such article or things: and any person who shall in any manner resist, hinder or obstruct any officer or person in the execution of such order shall be deemed guilty of a misdemeanor. [G. O. No. 854, Sec. 5].

SEC. 288. **Board shall visit hospital and workhouse.**—The board of health shall visit the city hospital and city workhouse at least as often as once each month, and shall inspect said buildings thoroughly, and see that they are kept in a clean and healthy condition. [G. O. No. 854, Sec. 6].

ARTICLE II.

HEALTH OFFICER.

SECTION

289. Appointment by mayor; tenure of office.
290. To have general supervision over city.
291. Shall give medical attention to city patients.
292. Supervision during existence of epidemic.
293. Shall visit city workhouse.
294. Shall keep a record of deaths, etc.
295. Shall attend indigent sick, resident in city.
296. Shall assist city counselor.

SECTION

297. Assistant health officer.
298. Duties of assistant.
299. Same; treatment of smallpox and contagious diseases.
300. Shall require report of practicing physicians.
301. Shall quarantine house and place card thereon; penalty for resistance.
302. May remove patients to Emergency Hospital—when.
303. Shall fumigate buildings under direction of Board of Health.

SEC. 289. **Appointment by mayor—tenure of office.**—The mayor shall at the beginning of the fiscal year 1906, and every two years thereafter, appoint a competent physician as health officer, who shall hold his office for a period of two years, or until his successor is appointed and qualified, and the present incumbent shall continue in office that time. The salary of the health officer shall be such as is or may hereafter be provided by ordinance. [G. O. No. 856, Sec. 1].

SEC. 290. **To have general supervision over city.**—It shall be the duty of the health officer to exercise a general supervision over the sanitary condition of the city and to order the removal of all nuisances that are dangerous to the health of the community. [G. O. No. 856, Sec. 2].

SEC. 291. **Shall give medical attention to city patients.**—The health officer shall care for the city patients and shall give them good medical attention, and shall see that they are properly provided with food and clothing: provided that this section shall not be construed to include city patients afflicted with contagious diseases. [G. O. No. 856, Sec. 3].

SEC. 292. **Supervision during existence of epidemic.**—He shall exercise general supervision over the city during the existence of any epidemic or the prevalence of any dangerous disease, particularly smallpox. [G. O. No. 856, Sec. 4].

SEC. 293. Shall visit city workhouse. He shall visit the hospital and city workhouse as often as his services may be required, and shall see that they are kept in a clean and healthy condition, and that the inmates are properly cared for and rendered as comfortable as possible. [G. O. No. 856, Sec. 5].

SEC. 294. Shall keep a record of deaths, etc.—He shall keep a record of all deaths at the hospital, the name, age, sex, nationality, etc. [G. O. No. 856, Sec. 6].

SEC. 295. Shall attend indigent sick, resident in city.—It is hereby made the duty of the health officer or assistant health officer to attend any and all cases of indigent sick who have resided within the city limits not to exceed twelve months whenever called upon without compensation. In urgent cases, and when the health officer or assistant health officer for any reason cannot attend, the mayor is authorized and empowered to employ another physician for immediate attendance at the expense of the city. Bills for expense thus incurred to be approved by the mayor and forwarded to the board of health for payment as other bills are paid by such board. [G. O. No. 856, Sec. 7].

SEC. 296. Shall assist city counselor.—It is hereby made the duty of the health officer to assist the city counselor in personal injury suits brought against the city. He shall visit persons who may have been injured on the streets or sidewalks of the city when notified to do so by the city counselor, and shall ascertain the nature and circumstances of the injuries received. [G. O. No. 856, Sec. 8].

SEC. 297. Assistant health officer.—The mayor is authorized and empowered to appoint a competent physician as assistant health officer, who shall receive as compensation for his services the sum of \$75 per month, and who may be discharged at any time by the mayor. [G. O. No. 856, Sec. 9].

SEC. 298. Duties of assistant.—It shall be the duty of the assistant health officer to assist the health officer to look after the sanitary condition of the city and to order the removal of all nuisances dangerous to the health of the community. [G. O. No. 856, Sec. 10].

SEC. 299. **Same; treatment of smallpox and contagious diseases.**—The assistant health officer shall treat, take charge of and care for all cases of smallpox and other contagious diseases. [G. O. No. 856, Sec. 11].

SEC. 300. **Shall require report of practicing physicians.**—He shall require every practicing physician in the city to report to him in writing any case of cholera, smallpox, measles, diphtheria, scarlet fever or any other contagious or infectious disease that may be under his or her care or observation immediately after such is known to be the case, stating the name of the patient and where located. Any physician failing to report as required by this ordinance shall be deemed guilty of a misdemeanor. [G. O. No. 856, Sec. 12].

SEC. 301. **Shall quarantine house and place cards thereon—penalty for resistance.**—He shall, immediately after receiving such notice or knowing of such case from any other information, quarantine the house where patient is found and place on outside and in front thereof a card with the name of the disease printed thereon, so as to warn the public against entering the premises. Any person who shall resist the officer while he is engaged in placing a card marked as aforesaid on such house, or any person who shall remove or cause to be removed such card after it is placed on such house, without first obtaining the consent of said officer, shall be deemed guilty of a misdemeanor. [G. O. No. 856, Sec. 13].

SEC. 302. **Shall remove patient to emergency hospital, when.**—He shall remove any case of contagious or infectious disease to the emergency hospital whenever it can be judiciously and safely done; but when in his judgment it cannot be safely done, or when the patients will not be removed from their own house, he shall in addition to quarantining and marking the house take such other precautionary measures as will secure the safety of both the family and the public. [G. O. No. 856, Sec. 14].

SEC. 303. **Shall fumigate building under directions of board of health.**—It is hereby made the duty of the assistant health officer to disinfect or fumigate buildings or other places of habitation wherein any cases of contagious disease may have been housed; and he shall have the power to cause such buildings or places to be vacated by the occupants or inhabitants thereof for such purpose; and he shall perform such duty under the direction of the board of health. [G. O. No. 856, Sec. 15].

ARTICLE III.

CLERK OF BOARD OF HEALTH.

SECTION

304. Board of health to appoint clerk.
305. Shall attend all meetings, keep records, etc.; bond; salary.
306. Additional duties; inspection of milk, etc.
307. Same; duty to enforce ordinance relating to adulteration of food, etc.

SECTION

308. Shall have power to inspect upon his own motion; penalty for refusal to allow inspection.
309. Records; where kept; open to inspection.
310. Shall keep accurate accounts.
311. Shall pay moneys coming into his hands into city treasury.

SEC. 304. Board of health to appoint clerk.—The board of health shall appoint a clerk to the board of health, who shall be a registered pharmacist, and who shall hold his office at the pleasure of said board. [G. O. No. 857, Sec. 1].

SEC. 305. Shall attend all meetings, keep records, etc.—bond—salary.—The clerk of said board shall attend all meetings, record its proceedings in suitable books, sign all notices, attest all copies of papers and proceedings, keep a strict account of all moneys and effects that may come into the possession of said board, and do and perform all such other duties as may be required of him by said board. For such services he shall receive a salary of nine hundred dollars per year, payable monthly, and before entering upon such duties he shall give a good and sufficient bond to the city of St. Joseph in the sum of one thousand dollars, conditioned as the bonds of other city officers, which bond shall be approved by the comptroller. [G. O. No. 857, Sec. 2].

SEC. 306. Additional duties—inspection of milk, etc.—In addition to the duties required of him by the ordinances of the city he shall keep such records as are provided for by ordinance, and such other records as may be necessary for recording all his official acts, and shall report to the common council annually of all matters pertaining to his office. In such reports he shall correctly state the number of samples of ice, milk, cream and other articles of food and drink submitted to him for examination and analysis, naming the officer or person submitting the same, and the result of such examination and analysis. [G. O. No. 857, Sec. 3].

SEC. 307. **Same—duty to enforce ordinances relating to adulteration of food, etc.**—He shall properly and accurately inspect, examine and analyze all samples of any and every article of food or drink submitted to him by any officer of the city and report the result of such inspection, examination and analysis with all possible haste to the officer submitting such sample. He shall endeavor in every way to have enforced strictly and rigidly all ordinances relating to the adulteration of food, milk, etc. [G. O. No. 857, Sec. 4].

SEC. 308. **Shall have power to inspect upon his own motion—penalty for refusal to allow inspection.**—The clerk of the board of health shall have the power to inspect all articles of food and drink wherever located that may be sold or offered for sale, and to analyze samples on his own motion. Any person refusing to allow him to make any such analysis and inspection shall be deemed guilty of a misdemeanor. [G. O. No. 857, Sec. 5].

SEC. 309. **Records, where kept—open to inspection.**—The several records required to be kept by the clerk of the board of health shall be kept always at the office of the board of health in charge of such clerk. Such records shall always be open for the inspection of any city officer or other person. [G. O. No. 857, Sec. 6].

SEC. 310. **Shall keep accurate accounts.**—Said clerk shall keep a book in which he shall enter full and accurate accounts of all expenses incurred by authority of said board, specifying the amounts, why, when and how incurred, and for what purpose applied. [G. O. No. 857, Sec. 7].

SEC. 311. **Shall pay moneys coming into his hands into city treasury.**—All moneys coming into the hands of the clerk of said board shall be paid by him into the city treasury at least once a month, taking triplicate receipts therefor, one of which he shall file with the comptroller, one with the auditor and the other to be retained by himself. [G. O. No. 857, Sec. 8].

ARTICLE IV.

SANITARY INSPECTOR.

SECTION

312. Office created—salary.

313. Duties.

314. Same; may enter premises to make inspection.

SECTION

315. To report nuisances to clerk of Board of Health.

SEC. 312. **Office created—salary.**—There is hereby created the office of sanitary inspector, who shall be appointed by the board of health, and who shall hold his office at the pleasure of said board. For his services the sanitary inspector shall receive the sum of nine hundred dollars (\$900.00) per year, payable monthly. [G. O. No. 855, Sec. 1].

SEC. 313. **Duties.**—It shall be the duty of the sanitary inspector to obey all orders of the board of health, all orders and directions of the health officer, and to see that all health ordinances and sanitary regulations of the city are rigidly enforced. He shall devote his whole time and attention to the discharge of his official duties, and, as often as possible, shall inspect every portion of the city. He shall have full power to compel the abatement and removal of all nuisances, after notice is given, as in this ordinance specified. If any one fails to comply it shall be the duty of said sanitary inspector to cause his immediate arrest and prosecution before the police court. He shall see that all complaints entered in his office are promptly attended to, see that the city scavengers conform to existing ordinances and regulations in the removal of matters offensive, and shall, at all times, be in readiness to make such inspection as the board of health may direct. He shall make weekly reports to said board of his official actions, with such suggestions for their consideration as his experience may dictate. [G. O. No. 855, Sec. 2].

SEC. 314. **Same—may enter premises to make inspection.**—It shall be the duty of the sanitary inspector whenever he shall deem it necessary to secure the public health to enter in the daytime into

the house or upon the premises of any person within this city to ascertain the existence of any nuisance therein, or thereon, to examine into the condition and number of persons in such house, or upon such premises, to inspect the vaults, cellars, privies, cess-pools and drains of such houses or premises, and to cause the immediate dispersion or removal of families or persons from buildings or apartments so crowded as in the opinion of said sanitary inspector to render the same dangerous to the health of such families or persons or to the public. [G. O. No. 855, Sec. 3].

SEC. 315. To report nuisances to clerk of board of health.
—The sanitary inspector is required to report each and every case of nuisance to the clerk of the board of health within twenty-four hours of the time when such nuisance is noted by him or brought to his office. [G. O. No. 855, Sec. 4].

ARTICLE V.

CITY HOSPITAL.

SECTION 316. Hospital established—purpose.

SEC. 316. **Hospital established—purpose.**—There is hereby established an emergency hospital in the city of St. Joseph. It shall be maintained at public expense under the direct control and supervision of the board of health, and it shall be for the purpose of receiving and caring for persons afflicted with contagious, infectious and malignant diseases who may be removed there by the board of health or health officers. [G. O. No. 853, Sec. 1].

ARTICLE VI.**CITY DISPENSARY.****SECTION 317. Dispensary established — how conducted.**

SEC. 317. Dispensary established—how conducted.—There is hereby established in and for the city of St. Joseph a free dispensary, located in the city hall, to be owned and operated by the city, for the purpose of supplying the indigent, under the care of the city health officer and assistant health officer, with medicines. The clerk of the board of health shall have charge of said dispensary, and on prescription or order of the health officers shall issue such medicines as may be directed. The goods shall be purchased of some good and reliable wholesale drug firm at wholesale prices. The clerk, when desiring to replenish his stock, will get an order from the city health officer for what he considers necessary for present use. [G. O. No. 849, Sec. 1].

ARTICLE VII.

MORTUARY RECORDS.

SECTION

318. Burial permit must be procured.
319. Body not to be interred without permit.
320. Reports to be made by sextons, etc.
321. Physicians to make death certificates.

SECTION

322. Health officer shall give certificates, when.
323. Clerk shall report neglect of sexton or physician.
324. Sexton to keep record.
325. Penalty.

SEC. 318. Burial permit must be procured.—All undertakers, their agents, employes or other persons having in charge a body for interment, shall before burying said body procure a burial permit, signed by the clerk of the board of health, and shall deliver the same to the sexton, superintendent or person in charge of the cemetery or burial place of said body. Such permit shall state the name, age, sex, color, nativity and place of death, together with the name of the disease of which such person died. [R. O. 1897, Chap. 33, Art. 6, Sec. 1].

SEC. 319. Body not to be interred without permit.—No sexton, superintendent or other person in charge of any cemetery or burial place in, adjoining or within two miles of the city of St. Joseph, shall without such burial permit allow or suffer any body to be interred in such cemetery or burial place. [R. O. 1897, Chap. 33, Art. 6, Sec. 2].

SEC. 320. Reports to be made by sextons, etc.—Every sexton, superintendent or other person in charge of any such cemetery or burial place shall on Saturday of each week, and before the hour of four o'clock p. m., report to said board all interments for that week, and at the same time shall return to the clerk of said board all burial permits for such week. [R. O. 1897, Chap. 33, Art. 6, Sec. 3].

SEC. 321. Physicians to make death certificate.—The coroner and every physician practicing medicine in this city, when a

patient dies under his care, shall make a certificate stating the name, age, sex, color and nationality, together with the disease of which person died, and deliver the same to the person having the body in charge for interment; and if the coroner or any physician shall neglect or refuse to make such certificate and deliver the same to the person in charge of the body for burial, he shall be subject to a fine of not to exceed one hundred dollars. [R. O. 1897, Chap. 33, Art. 6, Sec. 4].

SEC. 322. **Health officer shall give certificate—when.**—In the event of there having been no physician attending the person sought to be interred, it shall be the duty of the family or friends of the deceased to apply to the health officer, who is required upon satisfactory evidence to furnish a certificate showing the cause of death, together with the name, age, sex, color and nationality, which shall be delivered to the person having the body in charge for interment. [R. O. 1897, Chap. 33, Art. 6, Sec. 5].

SEC. 323. **Clerk shall report neglect of sexton or physician.**—It shall be the duty of the clerk of the board of health to report to the city attorney all sextons, overseers or persons in charge or having control of any cemetery, and physicians who shall fail or neglect to comply with the provisions of the five next preceding sections. [R. O. 1897, Chap. 33, Art. 6, Sec. 6].

SEC. 324. **Sexton to keep record.**—The clerk of the board of health shall furnish each sexton, overseer or person in charge or having control of any cemetery, as aforesaid, with a blank book, with appropriate columns to enter the facts required to be recorded, and blanks whereon to make reports. [R. O. 1897, Chap. 33, Art. 6, Sec. 7].

SEC. 325. **Penalty.**—Any person violating, failing, neglecting or refusing to comply with any provision, regulation or requirement relating to the next preceding seven sections, upon conviction before the judge of the police court, shall be fined not to exceed fifty dollars. [R. O. 1897, Chap. 33, Art. 6, Sec. 8].

ARTICLE VIII.**VITAL STATISTICS.****SECTION**

326. Record of marriages, births and deaths.

SECTION

327. Births shall be reported.
328. Deaths shall be reported.

SEC. 326. Record of marriages, births and deaths.—The board of health by its clerk shall keep a record of all marriages, births and deaths in the city, as provided and required by ordinance. [R. O. 1897, Chap. 33, Art. 7, Sec. 1].

SEC. 327. Births shall be reported—penalty.—Every physician and midwife shall report within ten days to the board of health, in accordance with the blanks to be furnished by said board, every child born within this city and in case no physician or midwife attended the birth of such child, then the father or mother shall make such report. Any person violating, failing, neglecting or refusing to comply with any provision, regulation or requirement of this ordinance shall upon conviction thereof be fined in a sum not to exceed one hundred dollars. [R. O. 1897, Chap. 33, Art. 7, Sec. 2].

SEC. 328. Deaths shall be reported—penalty.—The coroner of Buchanan county and every physician shall, when a patient dies under his care within this city, immediately make out and deliver to the clerk of the board of health a certificate stating the name, age, sex, color, nativity and place of death, together with the name of the disease of which said person died. Any person violating, failing, neglecting or refusing to comply with any provision, regulation or requirement of this ordinance shall upon conviction thereof, be fined in a sum not to exceed one hundred dollars. [R. O. 1897, Chap. 33, Art. 7, Sec. 3].

ARTICLE IX.

QUARANTINE.

SECTION

329. General regulations, boundaries, etc.

330. Police at quarantine.

331. Power to stop at.

332. Power to make rules and regulations governing.

SECTION

333. Physicians at; pay of the agents; nurses, etc, at; expenses; proviso.

334. Regulations to be obeyed.

335. Quarantine fund.

336. Penalty for violation of rules and regulations.

SEC. 329. General quarantine regulations.—The board of health, by and with the approval of the mayor and common council, may select, purchase, lease and establish such sites, places and boundaries for quarantine stations and purposes, and, with the approval of said mayor and council, may erect from time to time such buildings and hospitals, upon such sites and places, and so keep the same in repair as in their judgment shall be deemed necessary: and the said board, whenever and at such times as by them it shall be deemed necessary, may by proclamation, the approval of the mayor and common council being first had and obtained, require all boats, vessels, railroad cars or other conveyances bound for this city, before the same shall land or stop at any wharf, depot or landing or stopping place therein, to touch or stop at either of the sites, places or boundaries so selected and established for quarantine purposes, and leave all such emigrants, travelers or persons recently from seaboard, and all such sick, diseased or unclean persons, with their stores and baggage, as in the opinion of the officers stationed at such quarantine sites, places or boundaries, shall be deemed proper, on account of the existence or general report of cholera, ship fever or any contagious disease, or disease apprehended to endanger the health of the city; and whenever it shall be deemed necessary to issue the said proclamation, it shall be the duty of the said board to send the same, together with the substance of the regulations for quarantine, and the period for which the same shall be in force, unless sooner revoked, to such cities and places as by them shall be deemed proper: and shall also cause to be stationed at such quarantine sites, places and boundaries,

as said board may deem advisable, one or more physicians or health officers, whose duty it shall be to go on board and examine all boats, vessels, cars or other public conveyances required to touch or stop at said quarantines respectively, and then and there determine what emigrants, passengers or persons, if any, shall be permitted to come to the city, and what emigrants, passengers or persons, if any, shall stop at such quarantine; and it shall be the duty of all persons conducting or in charge of any such vessel, boat, car or public conveyance, to aid and assist any physician or health officer, so as aforesaid stationed, in the exercise of his duties: and the said physicians or health officers shall attend to all the sick persons who may be landed or placed in quarantine and provide medicines and necessaries for their use, and shall have general supervision of such quarantines and compel persons therein to purify their bodies, clothes and baggage, and do all such acts and things as shall be proper in the premises; keeping correct accounts of all expenditures and wages, which shall be allowed and paid by order of said board: and whenever the physician or official in charge of any quarantine station or place, as aforesaid, shall upon examination be satisfied that there is no longer occasion for the detention of any boat, vessel, car or conveyance at such quarantine or place and such boat, vessel, car or conveyance shall have been thoroughly cleansed and such persons, as aforesaid, landed and placed in the care of such physician or officer, such physician or officer shall give such vessel, boat, car or conveyance a permit, signed by him, to enter the city, which shall be ample authority for the entry of said boat, vessel, car or conveyance, and the said officers, respectively, shall discharge all persons in quarantine, by their certificate for that purpose, whenever they are satisfied that such persons are free of disease, and their baggage and effects properly purified; *Provided, however*, that the board in their discretion, by proclamation for that purpose, may, during the prevalence of cholera, ship fever or other contagious or fatal disease, forbid the admission of emigrants or others peculiarly liable thereto, into any or all of said quarantines or stations until in their opinion the health of the city will justify the same. [R. O. 1897, Chap. 33, Art. 8, Sec. 1].

SEC. 330. **Duty of police to arrest persons disobeying.**—It shall be the duty of said board whenever by them it shall be

deemed necessary, to keep at the quarantine station or stations a sufficient police force, whose duty it shall be to enforce all regulations by this article required, or by said board to be established, and to arrest all persons violating said regulations or committing any breaches of the peace, and bring such persons before the judge of the police court of the city for trial, and to arrest and commit for trial all persons disobeying, interfering with or resisting any physician, health officer or other person in authority at such quarantine site, place or station. [R. O. 1897, Chap. 33, Art. 8, Sec. 2].

SEC. 331. Obedience to orders may be enforced.—In case any boat, vessel, car or public conveyance shall leave any quarantine station, place or boundary without a permit as aforesaid, or shall fail to stop at the same when so, as aforesaid, required by the issuing of the proclamation, or whenever the person in charge thereof, or any person under his command, shall fail or refuse to obey any regulation or command of said board, health officer, physician or person in charge of any quarantine station or place, or any provision or requirement of this article, the said board shall have power, and it is hereby made their duty, if in their opinion the health of the city requires it, to send sufficient police force to such boat, vessel, car or public conveyance, and cause the same, with the crew and passengers on board, to be landed or stopped, or conveyed to the quarantine station or place, and there remain until properly discharged by the permit, as aforesaid; and the owner, master or the person in charge of such boat, vessel, car or public conveyance shall be liable to the city for all expenses and costs incurred by reason thereof; and if any emigrant, traveler or person so placed in quarantine as aforesaid, shall leave the same without permission as aforesaid, he may be arrested and taken back to said quarantine, and there retained until such permission shall be given. [R. O. 1897, Chap. 33, Art. 8, Sec. 3].

SEC. 332. Regulations may be enforced.—The said board shall make such rules and regulations for the government of the quarantine or health of the city as from time to time they shall deem necessary: and the physicians or health officers in charge of any quarantine station or place, shall have power to make and enforce such regulations as may be necessary for the proper conduct and management thereof; and it shall be the duty of all

persons in quarantine, and all agents, officers, policemen or others employed by the city in and about said quarantine stations or places, to carry out and obey the same. [R. O. 1897, Chap. 33, Art. 8, Sec. 4].

SEC. 333. **Board to employ proper agencies.**—The said board, by and with the approval of the mayor and common council, may appoint one or more competent physicians as quarantine physician, who shall be present at such quarantine stations as the said board shall designate, and at such times as said board shall direct, and attend to all the duties imposed by this article or by the regulations of said board, who shall receive each, for actual services rendered, and for such time as such services shall be actually required, not less than five dollars nor more than ten dollars per day, to be allowed by the said board; also, the said board may employ such agents, servants, nurses or temporary medical assistance, for the purpose of carrying into effect the objects and intents of this article, or of any regulation of the board, as in their judgment shall, from time to time, be necessary, or authorize the employment thereof, by the physicians or health officers in charge of any quarantine or station. All the salaries, wages and expenses in this section contemplated are to be audited and allowed by the said board; and when so allowed, are to be paid out of the fund set apart for quarantine purposes, or, in case of necessity, out of the contingent fund of the city; *Provided*, that when practicable, the persons taken in such quarantine or stations, and receiving the aid and care afforded thereby, shall each pay a sum of money sufficient to meet all expenses, labor and care incurred in his behalf, which said amounts shall be faithfully kept, reported and accounted for by the physician, health officer or other person in charge of said quarantine or station, to the said board; and all other expenses incurred or to be incurred by reason of this article or of any regulation of said board, shall be paid out of the fund set apart for quarantine purposes, or, when necessary, out of the contingent fund of the city. [R. O. 1897, Chap. 33, Art. 8, Sec. 5].

SEC. 334. **Regulations to prevent spread of disease.**—No person, master, captain or conductor in charge of any boat, vessel, railroad car or public conveyance, shall knowingly bring into this city any person or persons diseased of cholera, smallpox, ship fever or contagious or communicable disease whatsoever; and

no vessel, boat, railroad car or public conveyance, at any time covered by the said proclamation, shall pass by any quarantine station or place without stopping, nor shall leave the same without the permit aforesaid; and no person stopping in said quarantine or so as aforesaid received therein, shall leave the same without first obtaining permission as aforesaid, nor shall any person aid or abet any master, conductor, or person in charge of any boat, vessel, railroad car or public conveyance, in violating, neglecting or evading any provision or requirement of this article; nor shall any person interfere with, resist, neglect, or refuse to obey the orders of any physician, health officer, policeman or other person in authority at any quarantine station or place of quarantine, so as aforesaid established, nor do any act or thing in violation of or in disobedience to any of the provisions, clauses or sections of this article, nor shall commit any breach of the peace, or do any act calculated in any way to defeat or interfere with the provisions or requirements of this article, or of any regulation of the said board, physician or officer in charge of any quarantine. [R. O. 1897, Chap. 33, Art. 8, Sec. 6].

SEC. 335. **Application of money.**—The moneys appropriated to the quarantine fund shall be faithfully applied by the said board to the true objects and purposes of its appropriation, and the said board shall make reports of their doings and expenditures to the mayor and common council, whenever requested so to do. [R. O. 1887, Chap. 33, Art. 8, Sec. 7].

SEC. 336. **Penalty for violating, etc.**—Any master of a vessel, conductor, captain or person whatsoever, who shall violate any clause, provision, requirement, duty or regulation of this article, or of any rule or regulation of the said board, or physician or health officer in charge of any quarantine, or who shall fail or neglect to comply with any such clause, provision, requirement, duty or orders, or who shall interfere with or in any manner resist any officer or agent of the city in the discharge of his duty, as herein contemplated, or who shall commit any breach of the peace or be guilty of any act or thing calculated to defeat or interrupt the carrying into effect any part of this article, or any regulation of the said board, in cases where no other penalty is provided, on conviction shall pay a penalty of not less than one dollar nor more than one hundred dollars. [R. O. 1897, Chap. 33, Art. 8, Sec. 8].

ARTICLE X.

ADULTERATION OF FOODS.

SECTION

337. Adulterated foods—sale—penalty.

338. Same—sale, without label—penalty.

SECTION

339. Same—offering to boarder—penalty.

SEC. 337. Adulterated foods—sale—penalty.—Any person who shall, in this city sell, offer or expose for sale any adulterated or impure milk, butter, lard, honey, maple syrup, maple sugar, sorghum or apple cider, or any imitation of such product without informing the purchaser or person to whom such product is offered for sale of the fact that such product contains such adulteration or impurity, or that the same is an imitation of the product for which it is offered, shall upon conviction, be adjudged to be guilty of a misdemeanor and fined in a sum not exceeding fifty dollars. [G. O. No. 922, Sec. 1].

SEC. 338. Same—sale without label—penalty.—Any person selling, offering or exposing for sale in any store, shop, booth, market or from any vehicle in this city any adulterated or impure milk, butter, lard, honey, maple syrup, maple sugar, sorghum or apple cider, or any imitation of any of said products, shall place a label upon the box, package, can, jar, bottle or other receptacle containing such product, which label shall be printed in the English language in type easily read, with the words: “adulterated,” “impure” or “imitation,” as the case may be, followed by the name of the product, and giving the name or names of the substance or mixture used in said product, and every person violating the terms of this section shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined in a sum not to exceed fifty dollars. [G. O. No. 922, Sec. 2].

SEC. 339. Same—offering to boarder—penalty.—It is hereby declared the duty of every proprietor or keeper of a hotel, boarding-house or restaurant offering to any boarder or guest any

adulterated or impure milk, butter, lard, honey, maple syrup, maple sugar, sorghum or apple cider, or any imitation of any of such products, to keep posted in a conspicuous place a sign, printed in the English language in type easily read, from each dining table, giving the names of such adulterated or impure products offered to boarders or guests, or such as are imitations thereof, and any such proprietor or keeper of a hotel, boarding-house or restaurant who shall violate the terms of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in a sum not exceeding fifty dollars. [G. O. No. 922, Sec. 3].

CHAPTER XIX.

HIGHWAYS.

ARTICLE

- I. Names of streets.
- II. Grades of streets.
- III. Grading, improvement and repair of streets.
- IV. Excavating in streets.

ARTICLE

- V. Obstruction of streets, sidewalks, etc.
- VI. Classification and construction of sidewalks.
- VII. Repair of sidewalks.

ARTICLE I.

NAMES OF STREETS.

SECTION

- 340. Streets described and named shall be known by names herein designated in all records, acts or proceedings of the city.
- 341. Manner of describing boundaries of streets and avenues.

SECTION

- 342-480. Streets, avenues and roads designated by names, alphabetically arranged.
- 481-507. Streets designated by numbers, numerically arranged.
- 508-513. Avenues designated by numbers, numerically arranged.

SEC. 340. Streets and avenues to be known by names herein designated.—That the following described streets and avenues, in the city of St. Joseph, Buchanan county, Missouri, be and the same are hereby designated by the names and numbers respectively given thereto as hereinafter set forth: Said streets and avenues, from and after the passage and approval of this ordinance, shall be known by such names and numbers, respectively, in all records, acts or proceedings of the mayor and common council of said city and of all of said city's officers and agents. [R. O. 1897, Chap. 34, Art. 1, Sec. 1].

SEC. 341. Manner of describing boundaries of street.—When bounding the streets or avenues in the descriptions set forth in this ordinance, by blocks, or by lots or blocks, for brevity's sake, only the numbers of the blocks, or of the lots or blocks, at the ends of the street or at the boundaries of the addition through or along which the street runs, are given, the numbers of the blocks in the same row, tier or series, and intervening between those named, are omitted. [R. O. 1897, Chap. 34, Art. 1, Sec. 2].

Streets Designated by Names.

SEC. 342. **Hansen avenue.**—The street commencing on the north line of south one-half of southeast quarter of southeast quarter of section 16, township 57, range 35, at a point 1,125 feet west of east line of said section, thence running southeast and south to the southeast corner of northeast quarter of northeast quarter of section 21, township 57, range 35, shall be called Hansen avenue. The same extends from Jackson street, near Twenty-sixth street, southeast to Walnut street at the east city limits. [G. O. No. 864, Sec. 1].

SEC. 343. **Albemarle street.**—The street bounded on the north by blocks 62 and 69 St. Joseph Extension addition, and extending from Third street east to Ninth street, shall be called Albemarle street. [R. O. 1897, Chap. 34, Art. 1, Sec. 4].

SEC. 344. **Alder street.**—The street bounded on the west by block 46 Eastern Extension addition, and extending from Mulberry street north to Clay street, shall be called Alder street. [R. O. 1897, Chap. 34, Art. 1, Sec. 5].

SEC. 345. **Angelique street.**—The street bounded on the north by blocks 37 and 57 original town, by block 2 and west one-half of block 59 Smith's addition, by blocks 31 and 28 Carter's addition, by blocks 32 and 29 Harris' addition, and by blocks 5 and 23 Villarosa addition, and extending from Third street east to city limits, except from alley between Twelfth and Thirteenth streets to east line of Smith's addition, shall be called Angelique street. [R. O. 1897, Chap. 34, Art. 1, Sec. 6].

SEC. 346. **Antoine street.**—The street bounded on the north by blocks 2 and 15 Bellevue addition and blocks 15 and 21 Robidoux addition, and extending from Sixth street west to city limits, shall be called Antoine street. [R. O. 1897, Chap. 34, Art. 1, Sec. 7].

SEC. 347. **Ashland avenue.**—The street bounded on the northwest by blocks 1 and 5 Saxton Heights addition, thence bounded on the southeast by block 1 Linden Heights addition, and extending from Frederick avenue northeast to the east city limits, shall be called Ashland avenue. [R. O. 1897, Chap. 34, Art. 1, Sec. 8].

SEC. 348. **Atchison street.**—The street bounded on the north by blocks 174 and 168 South St. Joseph addition, by block 1 Noble Tract, by Riley's addition, by lot 5, block 2 Noble Tract, and extending from Eleventh street west to the Missouri river; also the street bounded on the north by Sunnyside addition, by Horn Heights addition, and extending from Twelfth street east to Nineteenth street; also the street bounded on the north by blocks 7 and 8 Gladstone Heights addition, and extending from Twenty-second street east to the east line of said addition, shall be called Atchison street. [R. O. 1897, Chap. 34, Art. 1, Sec. 9].

SEC. 349. **Auguste street.**—The street bounded on the north by blocks 7 and 21 Bellevue addition, by blocks 47 and 65 Robidoux addition, and extending from Sixth street west to city limits, shall be called Auguste street. [R. O. 1897, Chap. 34, Art. 1, Sec. 10].

SEC. 350. **Bartlett street.**—The street bounded on the west by blocks 169 and 86 South St. Joseph addition, by blocks 23 and 12 Bartlett and Russell's addition, by block 2 Corby's addition, by block 2 Ege's second addition, and extending from Atchison street north to the north line of Ege's second addition, shall be called Bartlett street. [R. O. 1897, Chap. 34, Art. 1, Sec. 11].

SEC. 351. **Beattie street.**—The street bounded on the north by lot 16, block 2 Smith and Lewis' (1st) addition, by blocks 16 and 21 Hihley's addition, by blocks 5 and 6 Carbry's addition, and extending from Thirteenth street east to Twenty-second street, shall be called Beattie street. [R. O. 1897, Chap. 34, Art. 1, Sec. 12].

SEC. 352. **Belle street.**—The street bounded on the north by blocks 12 and 4 South Park addition, by blocks 5 and 6 Seymour's addition, by blocks 1 and 3 Thomas' addition, and extending from Sixteenth street east to Twenty-second street, shall be called Belle street. [R. O. 1897, Chap. 34, Art. 1, Sec. 13].

SEC. 353. **Bellevue street.**—The street bounded on the east by blocks 3 and 5, Well's addition, by blocks 1 and 7, Bellevue addition, by blocks 1 and 4, Western addition, and extending from the Missouri river north to city limits, shall be called Bellevue street. [R. O. 1897, Chap. 34, Art. 1, Sec. 14].

SEC. 354. **Bond street.**—The street bounded on the north by blocks 1 and 2, South Park addition, and extending from Sixteenth street east to Eighteenth street, shall be called Bond street. [R. O. 1897, Chap. 34, Art. 1, Sec. 15].

SEC. 355. **Boyd street.**—The street bounded on the north by lots 17 and 24, block 2, and by lot 10, block 1, North St. Joseph First addition, by blocks 16 and 21, North St. Joseph Second addition, by blocks 5 and 6, Oakland Park addition, and extending from Twelfth street east to Twenty-second street, shall be called Boyd street. [R. O. 1897, Chap. 34, Art. 1, Sec. 16].

SEC. 356. **Broadway.**—The street bounded on the south by blocks 2 and 22, Walker's First addition, and extending from St. Joseph avenue west to the west line of said addition, shall be called Broadway. [R. O. 1897, Chap. 34, Art. 1, Sec. 17].

SEC. 357. **Buchanan avenue.**—The street bounded on the north by Landis and Hull's addition and produced thence southwest across block 1, Harris' Second addition, and block 60, Smith's addition, and extending from a point on Thirteenth street seventy feet north of Faraon street, northeast to Kemper street, near Clay street, shall be called Buchanan avenue. [R. O. 1897, Chap. 34, Art. 1, Sec. 18].

SEC. 358. **Catawba street.**—The street bounded on the west by block 2, Dr. S. McDonald's addition, by blocks 4 and 6, McCool's addition, by blocks 16 and 14, Walker's First addition, and extending from Shady avenue north to Broadway, shall be called Catawba street. [R. O. 1897, Chap. 34, Art. 1, Sec. 19].

SEC. 359. **Cedar street.**—The street bounded on the north by blocks 164 and 167, South St. Joseph addition, and extending from Third street east to Sixth street: also the street bounded on the north by blocks 2 and 26, Horn Heights addition, and extending from Fourteenth street east to Nineteenth street, shall be called Cedar street. [R. O. 1897, Chap. 34, Art. 1, Sec. 20].

SEC. 360. **Center street.**—The street bounded on the north by block 6, South Park addition, and extending from Linwood avenue east to Eighteenth street, shall be called Center street. [R. O. 1897, Chap. 34, Art. 1, Sec. 21].

SEC. 361. **Charles street.**—The street bounded on the north by blocks 19 and 59, Original Town, by blocks 4 and 42, Smith's addition, by blocks 6 and 4, Wilson's addition, by blocks 23 and 20, Carter's addition, by blocks 24 and 39, Harris' addition, by blocks 3 and 21, Villarsosa addition, and extending from the Missouri river east to the city limits, shall be called Charles street. [R. O. 1897, Chap. 34, Art. 1, Sec. 22].

SEC. 362. **Cherry street.**—The street bounded on the north by blocks 5 and 8, St. Joseph Extension addition, and extending from Water street east to Third street, shall be called Cherry street. [R. O. 1897, Chap. 34, Art. 1, Sec. 23].

SEC. 363. **Chestnut street.**—The street bounded on the north by blocks 13 and 16, St. Joseph Extension addition, and extending from Water street to Third street, shall be called Chestnut street. [R. O. 1897, Chap. 34, Art. 1, Sec. 24].

SEC. 364. **Church street.**—The street bounded on the south by lot 2, block 2, Ghio's addition, by lot 8, block 1, and lot 9, block 2, Rogers' First addition, by blocks 32 and 30, St. Joseph Improvement addition, and extending from Ninth street east to Thirteenth street, shall be called Church street. [R. O. 1897, Chap. 34, Art. 1, Sec. 25].

SEC. 365. **Clay street.**—The street bounded on the south by blocks 2 and 7, Kemper's addition, by Hedenberg's First addition, by blocks 20 and 17, St. Joseph Eastern Extension addition, by blocks 43 and 47, Eastern Extension addition, and extending from Kemper street east to Twenty-eighth street, or east city limits, shall be called Clay street. [R. O. 1897, Chap. 34, Art. 1, Sec. 26].

SEC. 366. **Colhoun street.**—The street bounded on the north by blocks 3 and 8, Oliver, Glass and Wilson's addition and extending from Seventeenth street east to Frederick avenue; also the street bounded on the north by blocks 13 and 14, Kemper's addition, by blocks 5 and 8, St. Joseph Eastern Extension addition, and extending from Frederick avenue east to the alley of Twenty-fifth street, shall be called Colhoun street. (R. O. 1897, Chap. 34, Art. 1, Sec. 27].

SEC. 367. **Commercial street.**—The street bounded on the north by blocks 7 and 5 South Park addition, by blocks 3 and 4 Seymour's addition, by blocks 6 and 4 Thomas' addition and extending from Sixteenth street and Garfield avenue east to Twenty-second street, shall be called Commercial street. [R. O. 1897, Chap. 34, Art. 1, Sec. 28].

SEC. 368. **Concord street.**—The street bounded on the north by blocks 3 and 12 McCool's addition and extending from St. Joseph avenue west to the west line of said addition, shall be called Concord street. [R. O. 1897, Chap. 34, Art. 1, Sec. 29].

SEC. 369. **Corby street.**—The street bounded on the north by blocks 12 and 16 St. Joseph Improvement addition, by blocks 3 and 4 Rogers' (2d) addition, and extending from Sixth street east to the alley east of Thirteenth street, shall be called Corby street. [R. O. 1897, Chap. 34, Art. 1, Sec. 30].

SEC. 370. **Cudmore street.**—The street bounded on the north by blocks 4 and 6, Cudmore addition, and extending from the alley west of Seventeenth street east to Nineteenth street, shall be called Cudmore street. [R. O. 1897, Chap. 34, Art. 1, Sec. 31].

SEC. 371. **Dearborn street.**—The street bounded on the west by blocks 7 and 6, Walker's (1st) addition, and extending from St. Joseph avenue north to Broadway, shall be called Dearborn street. [R. O. 1897, Chap. 34, Art. 1, Sec. 32].

SEC. 372. **Delaware street.**—The street bounded on the north by blocks 4 and 5 Saxton Heights addition and extending from Twenty-sixth street east to Ashland avenue, shall be called Delaware street. [R. O. 1897, Chap. 34, Art. 1, Sec. 33].

SEC. 373. **Diana street.**—The street bounded on the east by blocks 6 and 3 Dr. S. McDonald's addition, by blocks 7 and 9 McCool's addition, by blocks 17 and 19 Walker's (1st) addition and extending from the south line of Dr. S. McDonald's addition north to Broadway, shall be called Diana street. [R. O. 1897, Chap. 34, Art. 1, Sec. 34].

SEC. 374. **Dolman street.**—The street bounded on the north by blocks 28 and 33 St. Joseph Extension addition, and extending from Water street east to Washington avenue, shall be called Dolman street. [R. O. 1897, Chap. 34, Art. 1, Sec. 35].

SEC. 375. **Doniphan avenue.**—The street bounded on the north by blocks 69 and 71 South St. Joseph addition, by blocks 11 and 12 Bartlett and Russell's addition, and extending from the Missouri river east to Sixth street; also the street bounded on the north by blocks 50 and 37 South St. Joseph addition, block 2 Goodlive's addition, and extending from the west line of said block 50 east to Fourteenth street; also the street bounded on the north by block 1 Donnell Park addition, and extending from the west line of east one-half of northwest quarter of southeast quarter of southwest quarter, section 16, township 57, range 35, thence east to Twentieth street; also the street bounded on the north by blocks 2 and 3 Donnell and Saxton's addition, and extending from Twenty-second street east to east line of said addition; also the street bounded on the north by blocks 1 and 4 Grandview addition, and extending from Twenty-seventh street east to Twenty-eighth street, shall be called Doniphan avenue. [R. O. 1897, Chap. 34, Art. 1, Sec. 36].

SEC. 376. **Douglas street.**—The street bounded on the north by blocks 3 and 4 Pinger's addition, by blocks 9 and 12 North St. Joseph (1st) addition, by blocks 6 and 9 North St. Joseph (2d) addition, and extending from the west line of Pinger's addition east to Eighteenth street; also the street bounded on the north by blocks 9 and 10, Oakland Park addition, and extending from the west line of said addition east to Twenty-second street, shall be called Douglas street. [R. O. 1897, Chap. 34, Art. 1, Sec. 37].

SEC. 377. **Dughill road.**—The street extending from Auguste street to the alley between Water and Bellevue streets northwest to the west city limits at the northwest corner of lot 7, block 23, Bellevue addition, shall be called Dughill road. [R. O. 1897, Chap. 34, Art. 1, Sec. 38].

SEC. 378. **Duncan street.**—The street bounded on the north by blocks 66 and 67 South St. Joseph addition, and extending from the Missouri river east to Fourth street; also the street

bounded on the north by blocks 49 and 36 South St. Joseph addition, and extending from the west line of said block 49 east to Thirteenth street; also the street bounded on the north by blocks 54 and 48 Patee's addition, thence bounded on the south by Donnell and Saxton's addition, and extending from Fourteenth street to the east line of Donnell and Saxton's addition; also the street bounded on the south by blocks 1 and 4 Grandview addition, and extending from Twenty-seventh street east to Twenty-eighth street, shall be called Duncan street. [R. O. 1897, Chap. 34, Art. 1, Sec. 39].

SEC. 379. **Edmond street.**—The street bounded on the north by blocks 20 and 60 Original Town, by blocks 5 and 41 Smith's addition, by blocks 1 and 9 Wilson's addition, by blocks 17 and 19 Carter's addition, by blocks 17 and 38 Harris' addition, by blocks 2 and 11, Villarosa addition, by blocks 67 and 70, Eastern Extension addition, and extending from the Missouri river east to the city limits, shall be called Edmond street. [R. O. 1897, Chap. 34, Art. 1, Sec. 40].

SEC. 380. **Elwood street.**—The street bounded on the east by blocks 9 and 16 Bellevue addition, and extending from the Missouri river north to Rosine street at Dughill road, shall be called Elwood street. [R. O. 1897, Chap. 34, Art. 1, Sec. 41].

SEC. 381. **Elm street.**—The street lying between lots 1 and 2, block 5 Patee's addition, and extending from Eleventh street east to Vine street, shall be called Elm street. [R. O. 1897, Chap. 34, Art. 1, Sec. 42].

SEC. 382. **Evalene street.**—The street bounded on the north by block 2, Davis' addition and Extending from St. Joseph avenue east to the east line of said addition, shall be called Evalene street, [R. O. 1897, Chap. 34, Art. 1, Sec. 43].

SEC. 383. **Faraon street.**—The street bounded on the north by block 3 Wells' addition, by blocks 4 and 64 Original Town, by blocks 15 and 66 Smith's addition, by Nunning Place addition, by blocks 1 and 4 Carter's addition, by blocks 1 and 4 Harris' addition, by block 1 McDonald Place addition, by blocks 25 and 54 Eastern Extension addition, and extending from the Missouri

river east to city limits, except where vacated from Main to Levee streets, shall be called Faraon street. [R. O. 1897, Chap. 34, Art. 1, Sec. 44].

SEC. 384. **Felix street.**—The street bounded on the north by blocks 10 and 61 Original Town, by blocks 6 and 69 Smith's addition, by blocks 13 and 16 Carter's addition, by blocks 16 and 37 Harris' addition, by blocks 1 and 12 Villarosa addition, by blocks 63 and 66 Eastern Extension addition, and extending from the Missouri river east to city limits, shall be called Felix street. [R. O. 1897, Chap. 34, Art. 1, Sec. 45].

SEC. 385. **Fillmore street.**—The street bounded on the northeast by blocks 43 and 45 St. Joseph Extension addition and extending from Washington avenue southeast to the east line of said addition, shall be called Fillmore street. [R. O. 1897, Chap. 34, Art. 1, Sec. 46].

SEC. 386. **Folsom street.**—The street bounded on the north by blocks 3 and 6 Saxton Heights addition and extending from Twenty-sixth street east to Ashland avenue, shall be called Folsom street. [R. O. 1897, Chap. 34, Art. 1, Sec. 47].

SEC. 387. **Francis street.**—The street bounded on the north by blocks 2 and 62 Original Town, by blocks 13 and 68 Smith's addition, by blocks 9 and 12 Carter's addition, by blocks 9 and 12 Harris' addition, by block 3 McDonald Place addition, by blocks 29 and 62 Eastern Extension addition and extending from the Missouri river east to city limits, shall be called Francis street. [R. O. 1897, Chap. 34, Art. 1, Sec. 48].

SEC. 388. **Franklin street.**—The street bounded on the north by blocks 5 and 19 Bellevue addition, by blocks 36 and 42 Robidoux addition and extending from Sixth street west to the city limits, shall be called Franklin street. [R. O. 1897, Chap. 34, Art. 1, Sec. 49].

SEC. 389. **Frederick avenue.**—The street bounded on the northwest by lots 1 and 4, block 22, and by lots 1 and 4 block 34, and by lots 1 and 4, block 38 Smith's addition, by Taylor's subdivision of lot 1, block 50 Smith's addition, by Fink's addition and further bounded on the southeast by Harris' (2d) addition, by

Landis and Hull's addition, and further bounded on the northwest by Oliver, Glass and Wilson's addition, by Highly's addition, by lots 1 and 6, block 5, and by lots 16 and 20 and lots 6 and 10, block 3, and by lots 1 and 4, block 2, St. Joseph Eastern Extension addition, thence running east along the line between sections 4 and 9, township 57, range 35, and extending from Eighth and Felix streets northeast to Twenty-fifth and Highly streets and thence extending east to Twenty-eighth street, shall be called Frederick avenue. [R. O. 1897, Chap. 34, Art. 1, Sec. 50].

Sec. 390. **Garfield avenue.**—The street bounded on the northeast by lot 6 Noble's addition, by Calvary cemetery, by South Park addition, by Factory Ground addition, by Boesl's addition, by Connett Place addition and extending from Eleventh street north to Atchison street, southeast to Twenty-second street at a point 260 feet north of the south city limits, shall be called Garfield avenue. [R. O. 1897, Chap. 34, Art. 1, Sec. 51].

Sec. 391. **Grand avenue.**—The street bounded on the north by blocks 2 and 5 Pinger's addition, by blocks 5 and 8 North St. Joseph (1st) addition, by blocks 10 and 15 North St. Joseph (2d) addition, by blocks 7 and 8 Oakland Park addition and extending from the west line of Pinger's addition at Fillmore street east to Twenty-second street, shall be called Grand avenue. [R. O. 1897, Chap. 34, Art. 1, Sec. 52].

Sec. 392. **Grape street.** The street bounded on the west by blocks 5 and 4 Dr. S. McDonald's addition, by blocks 10 and 12 McCool's addition, by blocks 24 and 22 Walker's (1st) addition, and extending from the alley south of Shady avenue north to Broadway, shall be called Grape street. (R. O. 1897, Chap. 34, Art. 1, Sec. 53].

Sec. 393. **Hall street.**—The street bounded on the north by Ege's (1st) addition, by block 3 County addition, and extending from Sixth street east to Ninth street, shall be called Hall street. [R. O. 1897, Chap. 34, Art. 1, Sec. 54].

Sec. 394. **Halleck street.**—The street bounded on the east by block 2 McCord's sub-division in block 3 Kemper's addition, and extending from Clay street north to Union street, shall be called Halleck street. [R. O. 1897, Chap. 34, Art. 1, Sec. 55].

SEC. 395. **Hamburg avenue.**—The street bounded on the north by blocks 2 and 11, McCool's addition, and extending from St. Joseph avenue west to the west line of said addition, shall be called Hamburg avenue. [R. O. 1897, Chap. 34, Art. 1, Sec. 56].

SEC. 396. **Helena street.**—The street bounded on the north by block 3 Davis' addition, and extending from St. Joseph avenue east to the east line of said addition, shall be called Helena street. [R. O. 1897, Chap. 34, Art. 1, Sec. 57].

SEC. 397. **Henry street.**—The street bounded on the north by blocks 22 and 24 St. Joseph Improvement addition, and extending from Thirteenth street west to the alley west of Eleventh street, shall be called Henry street. [R. O. 1897, Chap. 34, Art. 1, Sec. 58].

SEC. 398. **Hermann avenue.**—The street bounded on the south by blocks 1 and 2 Hall's (3d) addition, by block 5 Hermann's addition, and extending from Twenty-second street north of Olive street, northeast to Twenty-fourth and Mary streets, shall be called Hermann avenue. [R. O. 1897, Chap. 34, Art. 1, Sec. 59].

SEC. 399. **Heuschele avenue.**—The street extending from Twelfth street, at northwest corner of lot 8, block 1 Smith and Lewis' (2d) addition, southeast to Thirteenth street at the southeast corner of lot 9 of the same block; also the street extending from Thirteenth street, at the northwest corner of lot 11, block 1 Smith and Jones' addition, southeast to Fifteenth street at a point 20 feet north of the southeast corner of lot 1, block 27 Highly's addition; also the street bounded on the south by lot 4, block 26 Highly's addition, shall be called Heuschele avenue. [R. O. 1897, Chap. 34, Art. 1, Sec. 60].

SEC. 400. **Hickory street.**—The street bounded on the north by blocks 115 and 129, South St. Joseph addition, by blocks 5 and 29 Horn Heights' addition and extending from the Missouri river east to Nineteenth street, shall be called Hickory street. [R. O. 1897, Chap. 34, Art. 1, Sec. 61].

SEC. 401. **Highland avenue.**—The street bounded on the north by blocks 34 and 42 St. Joseph Extension addition and extending from Water street east to the east line of said addition;

also the street bounded on the south by blocks 9 and 12 North St. Joseph (1st) addition, by blocks 6 and 9 North St. Joseph (2d) addition and extending from Tenth street east to Eighteenth street; also the street bounded on the north by blocks 11 and 12 Oakland Park addition and extending from Twenty-second street west to the west line of said addition, shall be called Highland avenue. [R. O. 1897, Chap. 34, Art. 1, Sec. 62].

SEC. 402. **Highly street.**—The street bounded on the north by Duncan Place addition, by Jackson's addition, by blocks 10 and 15 Highly's addition, by blocks 3 and 4 Carbry's addition and thence bounded on the south by lots 1 and 4, block 2 and by blocks 3 and 4 St. Joseph Eastern Extension addition and extending from Eleventh street east to Frederick avenue near Twenty-fifth street, shall be called Highly street. [R. O. 1897, Chap. 34, Art. 1, Sec. 63].

SEC. 403. **Holman street.**—The street bounded on the north by lot 2, block 2, Smith and Lewis' (1st) addition, by blocks 22 and 27 Highly's addition, by blocks 1 and 2 Oakland Park addition and extending from Thirteenth street east to Twenty-second street, shall be called Holman street. [R. O. 1897, Chap. 34, Art. 1, Sec. 64].

SEC. 404. **Howard street.**—The street bounded on the north by blocks 4 and 7 Oliver, Glass and Wilson's addition, by blocks 2 and 8 Highly's addition and extending from Seventeenth street east to Frederick avenue, shall be called Howard street. [R. O. 1897, Chap. 34, Art. 1, Sec. 65].

SEC. 405. **Isabelle street.**—The street bounded on the north by blocks 9 and 22 Bellevue addition, by blocks 53 and 58 Robidoux addition, by blocks 1 and 2 Central addition and extending from Sixth street west to city limits, except from Water street to Bellevue street, shall be called Isabelle street. [R. O. 1897, Chap. 34, Art. 1, Sec. 66].

SEC. 406. **Isadore street.**—The street bounded on the north by blocks 1 and 16 Bellevue addition, by blocks 8 and 14 Robidoux addition, and extending from Sixth street west to the Missouri river; also the street bounded on the north by fractional lot 1, block 2 Roger's (1st) addition, by blocks 30 and 32 St.

Joseph Improvement addition and extending from Tenth street east to Thirteenth street, shall be called Isadore street. [R. O. 1897, Chap. 34, Art. 1, Sec. 67].

SEC. 407. **Jackson street.**—The street bounded on the north by blocks 78 and 76 South St. Joseph addition, by blocks 21 and 22 Bartlett and Russell's addition and extending from Sixth street west to the Missouri river; also the street bounded on the north by blocks 51 and 43 South St. Joseph addition and extending from the west line of said block 51 east to Fourteenth street; also the street bounded on the south by block 2 R. W. Donnell's addition, by blocks 3 and 4 Tapee's addition, by blocks 3 and 4 Maddinger's addition, thence bounded on the north by blocks 1 and 4 Donnell and Saxton's addition, by blocks 2 and 3 Grandview addition and extending from Sixteenth street east to city limits, shall be called Jackson street. [R. O. 1897, Chap. 34, Art. 1, Sec. 68].

SEC. 408. **James street.**—The street bounded on the north by blocks 3 and 4 Oakland Park addition and extending from Twenty-second street west to the west line of said addition, shall be called James street. [R. O. 1897, Chap. 34, Art. 1, Sec. 69].

SEC. 409. **Jefferson street.**—The street bounded on the north-east by blocks 46 and 48 St. Joseph Extension addition and extending from Washington avenue southeast to the alley east of St. Joseph avenue; also the street bounded on the north by block 65 St. Joseph Extension addition and extending from Eighth street east to Tenth street, shall be called Jefferson street. [R. O. 1897, Chap. 34, Art. 1, Sec. 70].

SEC. 410. **Jones street.**—The street bounded on the north by blocks 5 and 6 Oliver, Glass and Wilson's addition, by blocks 3 and 9 Highly's addition, by block 2 Carbry's addition, by blocks 1 and 4 St. Joseph Eastern Extension addition, and extending from Seventeenth street east to the alley east of Twenty-fifth street, shall be called Jones street. [R. O. 1897, Chap. 34, Art. 1, Sec. 71].

SEC. 411. **Jules street.**—The street bounded on the north by blocks 3 and 63 Original Town, by blocks 14 and 67 Smith's addition, by blocks 5 and 8 Carter's addition, by blocks 5 and 8

Harris' addition, by block 2 McDonald Place addition, by blocks 28 and 55 Eastern Extension addition and extending from the Missouri river east to city limits, shall be called Jules street. [R. O. 1897, Chap. 34, Art. 1, Sec. 72].

SEC. 412. **Kemper street.**—The street bounded on the west by block 5 Landis' addition, by block 3 Landis and Hull's addition and on the east by Kemper's addition, and extending from Seventeenth and Frederick avenue southeast to Eighteenth street at the alley north of Faraon street, shall be called Kemper street. [R. O. 1897, Chap. 34, Art. 1, Sec. 73].

SEC. 413. **King Hill avenue.**—The street lying along the line between sections 31 and 32, township 57, range 35, and its extension northeasterly, bounded on the west by the townsite of St. George, by the Meyers Plat of Sulphur Springs, by lots 48, 47, 56, 77, the south part of lot 76 of Sulphur Springs, as platted by F. W. Smith, thence extending across the west end of lots 102 to 106, plat last aforesaid, to a point on the south line of section 20, township 57, range 35, distant 236.6 feet west of the southeast corner of the southwest $\frac{1}{4}$ of said section, thence continuing northeasterly to a point on the east line of the southwest $\frac{1}{4}$ of said section, distant 393.45 feet north of the southeast corner of said quarter section, shall be called King Hill avenue and extend from the south city limits to Sixth street. [G. O. No. 686, Sec. 1].

SEC. 414. **Lafayette street.**—The street bounded on the north by block 6 St. Joseph's Garden addition and by blocks 1 and 3 Mitchell's addition, extending from Sixth street west to the Missouri river; also the street bounded on the north by blocks 44 and 23 Patee's addition, by blocks 85 and 92 Patee's addition, by blocks 3 and 4 Hall's third addition, by block 1 Hermann's addition, by blocks 9 and 10 Wyatt Park addition and extending from Eighth street east to the city limits, except from Thirteenth street to Fourteenth street, shall be called Lafayette street. [R. O. 1897, Chap. 34, Art. 1, Sec. 75].

SEC. 415. **Lake boulevard.**—The street lying along the south line of section 20, township 57, range 35, from the southwest corner of said section east to a point 550 feet east of the southwest corner of the southeast quarter of said section, except from

King Hill avenue to Sixth street; also the street bounded on the north by Alphonso Place and Cudmore's addition and extending from Sixteenth street east to Nineteenth street, shall be called Lake boulevard. [R. O. 1897, Chap. 34, Art. 1, Sec. 76].

SEC. 416. **Dewey avenue.**—The street bounded on the east by blocks 10 and 6 Original Town, by blocks 6 and 60 Robidoux addition, by blocks 2 and 35 St. Joseph Extension addition and extending from the Missouri river at Francis street north to city limits, shall be called Dewey avenue. [G. O. No. 602, Sec. 1].

SEC. 417. **Lincoln street.**—The street bounded on the north by blocks 6 and 1 St. Joseph Improvement addition, by blocks 7 and 8 Roger's (2d) addition and extending from Sixth street east to the alley east of Thirteenth street, shall be called Lincoln street. [R. O. 1897, Chap. 34, Art. 1, Sec. 78].

SEC. 418. **Linden avenue.**—The street bounded on the south by lots 1 and 2, block 2 Linden Heights addition and extending from Ashland avenue east to the city limits, shall be called Linden avenue. [R. O. 1897, Chap. 34, Art. 1, Sec. 79].

SEC. 419. **Linn street.**—The street bounded on the north by blocks 9 and 12 St. Joseph Extension addition, and extending from Water street east to Third and Middleton street, shall be called Linn street. [R. O. 1897, Chap. 34, Art. 1, Sec. 80].

SEC. 420. **Linwood avenue.**—The street bounded on the west by block 2 Springdale addition, and extending from Seymour street north to Spring street and Southside avenue; also the street bounded on the west by block 7 South Park addition, and extending from Commercial street north to Belle street, shall be called Linwood avenue. [R. O. 1897, Chap. 34, Art. 1, Sec. 81].

SEC. 421. **Locust street.**—The street bounded on the north by block 9 O'Donoghue's addition, by block 16 and lots 13 and 16, block 17 Mayer's (1st) addition, and extending from the east line of said lot 13 west to the Missouri river; also the street bounded on the north by Hughes and Middleton's addition, by blocks 1 and 4 and lot 1, block 5 Patee's addition, and extending from Sixth street east to Vine street; also the street bounded on

the north by blocks 1 and 6 Stewart's addition, by blocks 1 and 2 Mayer's (3d) addition, and extending from Fourteenth street east to Eighteenth street; also the street bounded on the north by blocks 1 and 2 Hartwig and Niebel's addition, by block 6 Hermann's addition, by blocks 1 and 2 Wyatt Park addition, and extending from Twenty-second street east to city limits, except across the right-of-way of the C., B. & Q. R. R. between Twenty-fourth and Twenty-sixth streets, shall be called Locust street. [R. O. 1897, Chap. 34, Art. 1, Sec. 82.]

SEC. 422. **Louis street.**—The street bounded on the north by blocks 3 and 17 Bellevue addition, by blocks 22 and 28 Robidoux addition, and extending from Sixth street west to city limits, except where vacated from Third street to the alley east, shall be called Louis street. [R. O. 1897, Chap. 34, Art. 1, Sec. 83].

SEC. 423. **Lover's Lane.**—The street bounded on the northwest by block 4 North St. Joseph (2d) addition and thence running northeast and north across the east half of northwest quarter of section 4, township 57, range 35, to the east line of said quarter section, at a point 750 feet south of its northeast corner, and extending from Seventeenth street and Highland avenue northeasterly to Twenty-second street, shall be called Lover's Lane. [R. O. 1897, Chap. 34, Art. 1, Sec. 84].

SEC. 424. **Madison street.**—The street bounded on the north by blocks 2 and 22 Walker's (1st) addition and extending from St. Joseph avenue west to the west line of said addition, shall be called Madison street. [R. O. 1897, Chap. 34, Art. 1, Sec. 85].

SEC. 425. **Main street.**—The street bounded on the east by blocks 155 and 162 South St. Joseph addition and extending from Cedar street north to the Missouri river; also the street bounded on the east by blocks 19 and 25 Original Town, by blocks 5 and 61 Robidoux addition by blocks 3 and 36 St. Joseph Extension addition and extending from the Missouri river north to city limits, shall be called Main street. [R. O. 1897, Chap. 34, Art. 1, Sec. 86].

SEC. 426. **Maple street.**—The street bounded on the north by blocks 92 and 88 South St. Joseph addition and extending from

Sixth street west to the Missouri river, shall be called Maple street. [R. O. 1897, Chap. 34, Art. 1, Sec. 87].

SEC. 427. **Market street.**—The street bounded on the north by blocks 17 and 21 St. Joseph Extension addition and extending from Water street east to Washington avenue at Fourth street, shall be called Market street. [R. O. 1897, Chap. 34, Art. 1, Sec. 88].

SEC. 428. **Mary street.**—The street bounded on the north by block 10 and west half of block 18 O'Donoghue addition and extending from the alley between Fourth and Fifth streets west to the Missouri river; also the street bounded on the north by blocks 15 and 21 Patee's addition and extending from Sixth street east to Ninth street; also the street bounded on the north by blocks 1 and 5 Hall's (2d) addition, by block 4 Hartwig and Neible's addition, by block 4 Hermann's addition, by blocks 3 and 4 Wyatt Park addition and extending from Eighteenth street to city limits, except across the right-of-way of the C. B. & Q. R. R. between Twenty-second and Twenty-fourth streets, shall be called Mary street. [R. O. 1897, Chap. 34, Art. 1, Sec. 89].

SEC. 429. **Messanie street.**—The street bounded on the north by blocks 35 and 56 Original Town, by blocks 1 and 12 Smith's addition, by blocks 1 and 3 Nixon's addition, by blocks 28 and 46 Smith's addition, by blocks 32 and 35 Carter's addition, by blocks 33 and 36 Harris' addition, by blocks 6 and 24 Villarosa addition and extending from the Missouri river east to city limits, shall be called Messanie street. [R. O. 1897, Chap. 34, Art. 1, Sec. 90].

SEC. 430. **Michel street.**—The street bounded on the north by blocks 4 and 18 Bellevue addition, by blocks 29 and 35 Robidoux addition and extending from Sixth street west to city limits, except where vacated between Fourth street and the alley west, shall be called Michel street. [R. O. 1897, Chap. 34, Art. 1, Sec. 91].

SEC. 431. **Middleton street.** The street bounded on the northeast by blocks 58 and 60 and lot 1, block 71, St. Joseph Extension addition and extending from Third and Linn streets, south east to Sixth and Albemarle streets, shall be called Middleton street. [R. O. 1897, Chap. 34, Art. 1, Sec. 92].

SEC. 432. **Mitchell avenue.**—The street bounded on the north by block 2 St. Joseph's Garden addition and by Durfee and Bartlett's sub-division therein, by blocks 41 and 63 Patee's addition, by Evergreen addition, by blocks 1 and 4 Hall's (1st) addition, by blocks 15 and 16 Wyatt Park addition and extending from the Missouri river east to city limits, except from Sixth to Eighth streets, shall be called Mitchell avenue. [R. O. 1897, Chap. 34, Art. 1, Sec. 93].

SEC. 433. **Monroe street.**—The street bounded on the north by blocks 7 and 23 Walker's (1st) addition and extending from St. Joseph avenue west to the west line of said addition, shall be called Monroe street. [R. O. 1897, Chap. 34, Art. 1, Sec. 94].

SEC. 434. **Monterey street.**—The street bounded on the north by blocks 63 and 64 South St. Joseph addition, by blocks 1 and 3 Corby's addition, by blocks 59 and 35 South St. Joseph addition, by block 1 Goodlive's addition and extending from Fourteenth street west to the Missouri river; also the street bounded on the north by blocks 52 and 49 Patee's addition and extending from Seventeenth street east to Twenty-second street; also the street bounded on the north by blocks 10 and 12 Hall's (1st) addition and extending from the west line of said block 10 east to east line of said addition, shall be called Monterey street. [R. O. 1897, Chap. 34, Art. 1, Sec. 95].

SEC. 435. **Moss street.**—The street bounded on the north by block 1 Hardin Place addition and extending from Seventh street west to the west line of said addition; also the street bounded on the south by block 13 North St. Joseph (1st) addition and block 3 North St. Joseph (2d) addition and extending from Seventeenth street west to the west line of said first addition; also the street bounded on the south by blocks 11 and 12 Oakland Park addition and extending from Twenty-second street west to the west line of said addition, shall be called Moss street. [G. O. No. 705, Sec. 1].

SEC. 436. **Mount Mora road.**—The street bounded on the west by Avenue addition, by Sherman's addition and extending from Frederick avenue north to Mount Mora cemetery, shall be called Mount Mora road. [R. O. 1897, Chap. 34, Art. 1, Sec. 97].

SEC. 437. **Mulberry street.**—The street bounded on the north by blocks 2 and 7 Kemper's addition, by Hedenberg's (1st) addition, by blocks 20 and 17 St. Joseph Eastern Extension addition, by blocks 43 and 47 Eastern extension addition and extending from Kemper street east to the city limits, shall be called Mulberry street. [R. O. 1897, Chap. 34, Art. 1, Sec. 98].

SEC. 438. **Oak street.**—The street bounded on the north by blocks 150 and 155 South St. Joseph addition and extending from Sixth street west to the Missouri river; also the street bounded on the north by blocks 3 and 27 Horn Heights addition and extending from Fourteenth street east to Nineteenth street; also the street bounded on the north by blocks 3 and 4 Gladstone Heights addition and extending from Twenty-second street east to the east line of said addition, shall be called Oak street. [R. O. 1897, Chap. 34, Art. 1, Sec. 99].

SEC. 439. **Olive street.**—The street bounded on the north by blocks 13 and 20 O'Donoghue's addition, by block 21 Mayer's (2d) addition and Snyder's sub-division therein, by blocks 19 and 6 Patee's addition and Patton's sub-division in said block 6, by blocks 3 and 4 Stewart's addition, by blocks 5 and 6 Mayer's (3d) addition, by blocks 10 and 6 Hall's (2d) addition, by blocks 1 and 2 Hall's (3d) addition, by block 2 Hermann's addition, by blocks 7 and 8 Wyatt Park addition and extending from the Missouri river east to city limits, except where vacated from Fourth street to the alley east, shall be called Olive street. [R. O. 1897, Chap. 34, Art. 1, Sec. 100].

SEC. 440. **Osage street.**—The street bounded on the south by blocks 4 and 5 Saxton Heights addition and extending from Twenty-sixth street east to Ashland avenue, shall be called Osage street. [R. O. 1897, Chap. 34, Art. 1, Sec. 101].

SEC. 441. **Pacific street.**—The street bounded on the north by block 54 South St. Joseph addition, and extending from Sixth street east to Seventh street; also the street bounded on the north by blocks 8 and 41 South St. Joseph addition, by R. W. Donnell's addition, by Tapee's addition, by Maddinger's addition, thence running east along the south line of section 16, township 57,

range 35, and extending from Eighth street east to the Agency road, shall be called Pacific street. [R. O. 1897, Chap. 34, Art. 1, Sec. 102].

SEC. 442. **Park street.**—The street bounded on the north by block 1 Davis' addition, and extending from St. Joseph avenue east to the east line of said addition, shall be called Park street. [R. O. 1897, Chap. 34, Art. 1, Sec. 103].

SEC. 443. **Patee street.**—The street bounded on the north by blocks 11 and 19 O'Donoghue's addition, by block 22 Mayer's (2d) addition and Snyder's sub-division therein, by blocks 7 and 20 Patee's addition, and extending from Thirteenth street west to the Missouri river; also the street bounded on the north by blocks 2 and 5 Stewart's addition, by blocks 3 and 4 Mayer's (3d) addition, and extending from Fourteenth east to Eighteenth street; also the street bounded on the north by block 3 Hermann's addition, by blocks 5 and 6 Wyatt Park addition and extending from Twenty-fourth street east to city limits, shall be called Patee street. [R. O. 1897, Chap. 34, Art. 1, Sec. 104].

SEC. 444. **Patee avenue.**—The street bounded on the northwest by lots 1 and 2, block 72 and lots 1 and 2, block 90 Patee's addition, by lot 10, block 7 and by lots 6 and 18, block 6 Hall's (2d) addition, and extending from Seventeenth and Penn streets northeast to Twenty-second street south of Mary street, shall be called Patee avenue. [R. O. 1897, Chap. 34, Art. 1, Sec. 105].

SEC. 445. **Pear street.**—The street bounded on the north by block 4 Connett Place addition and extending from Twenty-first street east to city limits, shall be called Pear street. [R. O. 1897, Chap. 34, Art. 1, Sec. 106].

SEC. 446. **Pendleton street.**—The street bounded on the northeast by blocks 55 and 57 St. Joseph Extension addition and extending from Washington avenue southeast to the east line of said block 55; also the street bounded on the south by blocks 69 and 71 St. Joseph Extension addition and extending from the west line of said block 71 east to Tenth street, shall be called Pendleton street. [R. O. 1897, Chap. 34, Art. 1, Sec. 107].

SEC. 447. **Penn street.**—The street bounded on the north by blocks 42 and 76 Patee's addition, thence bounded on the south by blocks 1 and 4 Hall's (1st) addition, thence bounded on the north by blocks 13 and 14 Wyatt Park addition and extending from Eighth street east to city limits, shall be called Penn street. [R. O. 1897, Chap. 34, Art. 1, Sec. 108].

SEC. 448. **Pine street.**—The street bounded on the north by blocks 1 and 2 Connett Place addition and extending from the alley west to Twenty-first street, east to city limits, shall be called Pine street. [R. O. 1897, Chap. 34, Art. 1, Sec. 109].

SEC. 449. **Plum street.**—The street bounded on the west by block 44 Eastern Extension addition and extending from Mulberry street north to Clay street, shall be called Plum street. [R. O. 1897, Chap. 34, Art. 1, Sec. 110].

SEC. 450. **Poplar street.**—The street bounded on the west by block 54 Patee's addition and extending from Duncan street north to Sacramento street, shall be called Poplar street. [R. O. 1897, Chap. 34, Art. 1, Sec. 111].

SEC. 451. **Poulin street.**—The street bounded on the north by blocks 6 and 20 Bellevue addition, by blocks 43 and 46 Robidoux addition, by blocks 1 and 3 Richardson's addition and extending from Sixth street west to city limits, except where vacated from Fourth street to the alley west, shall be called Poulin street. [R. O. 1897, Chap. 34, Art. 1, Sec. 112].

SEC. 452. **Powell street.**—The street bounded on the north by blocks 7 and 11 St. Joseph Improvement addition, by blocks 5 and 6 Rogers' (2d) addition, and extending from Sixth street east to the alley east of Thirteenth street, shall be called Powell street. [R. O. 1897, Chap. 34, Art. 1, Sec. 113].

SEC. 453. **Renick street.** The street bounded on the north by block 60 South St. Joseph addition, and extending from Fourth street west to the Missouri river; also the street bounded on the south by Durfee and Bartlett's addition, and extending from Sixth street west to the west line of said addition; and also the street bounded on the north by blocks 45 and 46 South St. Joseph

addition and extending from Fourteenth street west to the west line of said block 46, shall be called Renick street. [R. O. 1897, Chap. 34, Art. 1, Sec. 114].

SEC. 454. **Richardson street.**—The street bounded on the northeast by blocks 52 and 54, St. Joseph Extension addition, and extending from Washington avenue and Market street southeast to the east line of lot 21 in said block 54; also bounded on the south by blocks 72 and 68, St. Joseph Extension addition, and extending from the west line of lot 22 in said block 72 east to Tenth street, shall be called Richardson street. [R. O. 1897, Chap. 34, Art. 1, Sec. 115].

SEC. 455. **Ridenbaugh street.**—The street bounded on the north by blocks 17 and 20, St. Joseph Improvement addition, by block 2, Rogers' (2d) addition, and extending from Thirteenth street west to the west line of St. Joseph Improvement addition; also the street bounded on the north by block 2, Sherman's addition, and extending from the Mt. Mora road west to the alley east of Thirteenth street, shall be called Ridenbaugh street. [R. O. 1897, Chap. 34, Art. 1, Sec. 116].

SEC. 456. **Robidoux street.**—The street bounded on the north by blocks 4 and 5, Well's addition, by blocks 5 and 65, Original Town, by Young's addition, by Bush's addition, by Langan's addition, by Snyder's addition, and extending from Tenth street west to the Missouri river, except where vacated between Levee and Main streets, shall be called Robidoux street. [R. O. 1897, Chap. 34, Art. 1, Sec. 117].

SEC. 457. **Rosine street.**—The street bounded on the south by lot 7, block 22, Bellevue addition and extending from Elwood street and Dug Hill road west to city limits; also the street bounded on the north by blocks 1 and 2, Western addition, by blocks 59 and 64, Robidoux addition, and extending from the alley between Elwood and Bellevue streets east to Short street, shall be called Rosine street. [R. O. 1897, Chap. 34, Art. 1, Sec. 118].

SEC. 458. **Sacramento street.**—The street bounded on the north by block 61, South St. Joseph addition, and extending from Fourth street west to the Missouri river; also the street bounded

on the north by blocks 47 and 44, South St. Joseph addition, by blocks 53 and 61, Patee's addition, by blocks 5 and 8, Hall's (1st) addition, and extending from the west line of block 47, South St. Joseph addition, east to the east line of Hall's addition, shall be called Sacramento street. [R. O. 1897, Chap. 34, Art. 1, Sec. 119].

SEC. 459. **Savannah avenue.**—The street bounded on the southeast by blocks 62 and 44, St. Joseph Extension addition, and extending from Third and Albemarle streets northeast to Highland avenue at Seventh street, shall be called Savannah avenue. [R. O. 1897, Chap. 34, Art. 1, Sec. 120].

SEC. 460. **Scott street.**—The street bounded on the north by blocks 83 and 87, South St. Joseph addition, and extending from Sixth street west to the Missouri river; also the street bounded on the north by blocks 7 and 42, South St. Joseph addition, and extending from Eighth street east to Fourteenth street; also the street bounded on the north by blocks 3 and 4, Tapee's addition, by blocks 3 and 4, Maddinger's addition, and extending from Eighteenth street east to Twenty-second street, shall be called Scott street. [R. O. 1897, Chap. 34, Art. 1, Sec. 121].

SEC. 461. **Seneca street.**—The street bounded on the north by block 3, St. Joseph's Garden addition, and extending from Sixth street west to the Missouri river; also the street bounded on the north by blocks 43 and 25, Patee's addition, and extending from Eighth street east to Thirteenth street; also the street bounded on the north by blocks 84 and 77, Patee's addition, by Rost's addition, and extending from Fourteenth street east to Twenty-third street; also the street bounded on the north by blocks 11 and 12, Wyatt Park addition, and extending from Twenty-sixth street east to city limits, shall be called Seneca street. [R. O. 1897, Chap. 34, Art. 1, Sec. 122].

SEC. 462. **Seymour street.**—The street bounded on the north by blocks 1 and 2, Springdale addition, and extending from Fourteenth street east to Linwood addition, shall be called Seymour street. [R. O. 1897, Chap. 34, Art. 1, Sec. 123].

SEC. 463. **Shady avenue.**—The street bounded on the north by blocks 1 and 4, Dr. S. McDonald's addition, and extending from St. Joseph avenue west to the west line of said addition, shall be called Shady avenue. [R. O. 1897, Chap. 34, Art. 1, Sec. 124].

SEC. 464. **Short street.**—The street bounded on the east by block 1, Central addition, and extending from Isabelle street north to Albemarle street, shall be called Short street. [R. O. 1897, Chap 34, Art. 1, Sec. 125].

SEC. 465. **Southside avenue.**—The street bounded on the southwest by Cudmore's addition, and extending from Linwood avenue at Spring street southwest to Nineteenth street, shall be called Southside avenue. [R. O. 1897, Chap. 34, Art. 1, Sec. 126].

SEC. 466. **Spring street.**—The street bounded on the south by blocks 1 and 2, Springdale addition, thence running west along the south line of northeast quarter of southeast quarter section 20, township 57, range 35, and extending from Eleventh street east to Linwood avenue; also the street bounded on the north by blocks 9 and 10 Thomas' addition, and extending from the alley west of Twenty-first street east to city limits, shall be called Spring street. [R. O. 1897, Chap. 34, Art. 1, Sec. 127].

SEC. 467. **Spruce street.**—The street bounded on the west by blocks 10 and 11, Walker's (1st) addition, and extending from Monroe street north to Broadway, shall be called Spruce street. [R. O. 1897, Chap. 34, Art. 1, Sec. 128].

SEC. 468. **State street.**—The street bounded on the north by block 2, Saxton Heights addition and extending from Twenty-sixth street east to Ashland avenue, shall be called State street. [R. O. 1897, Chap. 34, Art. 1, Sec. 129].

SEC. 469. **St. Joseph avenue.**—The street bounded on the southeast by blocks 61 and 43, St. Joseph Extension addition, on the east by block 42, St. Joseph Extension addition, by Wey's Place addition, by Davis, addition, thence bounded on the northwest by McCool's addition, by Walker's (1st) addition, and extending from Fourth and Albemarle streets northeast to north city limits at Broadway, shall be called St. Joseph avenue. [R. O. 1897, Chap. 34, Art. 1, Sec. 130].

SEC. 470. **St. Paul street.**—The street bounded on the north by blocks 22 and 27, St. Joseph Extension addition, and extending from Water street east to Washington avenue, shall be called St. Paul street. [R. O. 1897, Chap. 34, Art. 1, Sec. 131].

SEC. 471. **Sycamore street.**—The street bounded on the north by blocks 101 and 107, South St. Joseph addition, and extending from the Missouri river east to the east line of said block 107; also the street bounded on the north by blocks 109 and 114, South St. Joseph addition, by blocks 6 and 19, Horn Heights addition, and extending from Eighth street east to Eighteenth street, shall be called Sycamore street. [R. O. 1897, Chap. 34, Art. 1, Sec. 132].

SEC. 472. **Sylvanie street.**—The street bounded on the north by the east one-half of block 33 and by block 58, Original Town, by blocks 3 and 43, Smith's addition, by block 1, Inslee and Allen's addition, by blocks 55 and 71, Smith's addition, by blocks 24 and 27, Carter's addition, by blocks 25 and 40 Harris' addition, by blocks 4 and 22 Villarosa addition and extending from the alley between Second and Third streets east to city limits, shall be called Sylvanie street. [R. O. 1897, Chap. 34, Art. 1, Sec. 133].

SEC. 473. **Union street.**—The street bounded on the north by block 2, Oliver, Glass and Wilson's addition, by blocks 4 and 12, Kemper's addition, by blocks 9 and 12, St. Joseph Eastern Extension addition, and extending from Seventeenth street to the alley east of Twenty-fifth street, shall be called Union street. [R. O. 1897, Chap. 34, Art. 1, Sec. 134].

SEC. 474. **Vine street.**—The street bounded on the west by blocks 26 and 22 and by the west half of blocks 8 and 5, Patee's addition, and extending from Seneca street north to Messanie street, shall be called Vine street. [R. O. 1897, Chap. 34, Art. 1, Sec. 135].

SEC. 475. **Walker street.**—The street bounded on the west by block 18, Walker's (2d) addition and extending from Fourth avenue south to the south line of said addition, shall be called Walker street. [R. O. 1897, Chap. 34, Art. 1, Sec. 136].

SEC. 476. **Walnut street.**—The street bounded on the north by blocks 136 and 141, South St. Joseph addition, and extending from Sixth street west to the Missouri river; also the street bounded on the north by blocks 4 and 28, Horn Heights addition, and extending from Fourteenth street east to Nineteenth street; also the street bounded on the north by blocks 1 and 2, Gladstone

Heights addition and continuing thence east across the southeast quarter of the northeast quarter of section 21, township 57, and extending from Twenty-second street to east city limits, shall be called Walnut street. [R. O. 1897, Chap. 34, Art. 1, Sec. 137].

SEC. 477. **Warsaw avenue.**—The street bounded on the west by blocks 9 and 2, Hall's (2d) addition, and extending from Olive street north to Messanie street, shall be called Warsaw avenue. [R. O. 1897, Chap. 34, Art. 1, Sec. 138].

SEC. 478. **Washington avenue.**—The street bounded on the southeast by blocks 58 and 45, St. Joseph Extension addition, and extending from Third street near Linn and Middleron streets northeast to Highland avenue at Sixth street, shall be called Washington avenue. [R. O. 1897, Chap. 34, Art. 1, Sec. 139].

SEC. 479. **Water street.**—The street bounded on the east by blocks 3 and 5, Original Town, by blocks 7 and 59, Robidoux addition, by blocks 1 and 34, St. Joseph Extension addition, and extending from the Missouri river north to city limits, shall be called Water street. [R. O. 1897, Chap. 34, Art. 1, Sec. 140].

SEC. 480. **Woodson street.**—The street bounded on the northeast by blocks 51 and 49, St. Joseph Extension addition, and on the north by block 2, Likens Slingluff's addition, by block 66, St. Joseph Extension addition, and extending from Washington avenue southeast to the east line of said block 49, thence extending east to Tenth street; also the street bounded on the north by lot 12 Gilkerson Place addition, and continuing east along the line between lots 8 and 9, block 2, Fair Ground addition, and extending from Tenth street east to Eleventh street, shall be called Woodson street. [R. O. 1897, Chapter. 34, Art. 1, Sec. 141].

Streets Designated by Numbers.

SEC. 481. **Second street.**—The street bounded on the east by blocks 33 and 26, Original Town, by block 4 and 62, Robidoux addition, by blocks 4 and 37, St. Joseph Extension addition, and extending from Sylvanie street at the Missouri river north to city limits; also the street bounded on the east by blocks 128 and 163, South St. Joseph addition, and extending from the Missouri river at Sycamore street south to Cedar street; also the street running

south from the southeast corner of block 173, South St. Joseph addition, across the southwest quarter of section 20, township 57, range 35, and extending from Atchison street to Lake boulevard or south city limits, shall be called Second street. [R. O. 1897, Chap. 34, Art. 1, Sec. 142].

SEC. 482. **Third street.**—The street bounded on the east by blocks 171 and 61, South St. Joseph addition, and extending from Atchison street north to Missouri River at Renick street; also the street bounded on the east by blocks 13 and 15, O'Donoghue addition, by block 16, Mayer's (1st) addition, by blocks 36 and 45, Original Town, by blocks 3 and 63, Robidoux addition, by blocks 63 and 38, St. Joseph Extension addition, and extending from the Missouri river at Olive street north to the north line of St. Joseph Extension addition, shall be called Third street. [R. O. 1897, Chap. 34, Art. 1, Sec. 143].

SEC. 483. **Fourth street.**—The street bounded on the west by blocks 171 and 60, South St. Joseph addition, by the west 105 feet of lots 2 and 9, of blocks 2, 3 and 6, St. Joseph's Garden addition, by blocks 13 and 15, O'Donoghue's addition, by block 16, Mayer's (1st) addition, by blocks 36 and 45, Original Town, by blocks 3 and 63, Robidoux addition, and extending from Atchison street north to Albemarle street; also the street bounded on the west by blocks 21 and 38, St. Joseph Extension addition, and extending from Fourth street and Washington avenue north to the north line of said addition, shall be called Fourth street. [R. O. 1897, Chap. 34, Art. 1, Sec. 144].

SEC. 484. **Fifth street.**—The street bounded on the west by blocks 170 and 65, South St. Joseph addition, by block 3, Corby's addition, by block 3 Ege's (2d) addition, and extending from Atchison street north to the north line of Ege's (2d) addition; also the street bounded on the west by block 2, Durfee & Bartlett's addition, and extending from Renick street south to the south line of said addition; also the street bounded on the west by blocks 2 and 3, Mitchell's addition, by blocks 20 and 18, O'Donoghue's addition, by block 17, Mayer's (1st) addition, by blocks 55 and 46, Original Town, by blocks 2 and 52, Robidoux addition, by block 2, Richardson's addition, by block 1, Central addition, and extending from Lafayette street north to Albemarle street; also the

street bounded on the west by block 39, St. Joseph Extension addition, and extending from Highland avenue north to the north line of said addition, shall be called Fifth street; also the street running north and south through Buena Vista addition, between blocks one and two (1 and 2), three and four (3 and 4) and five and six (5 and 6). [G. O. No. 726, Sec. 1].

SEC. 485. **Sixth street.**—The street located along the north and south quarter section line of section 20, township 57, range 35, and extending from south city limits to Atchison street; also the street bounded on the west by blocks 168 and 87, South St. Joseph addition, by Bartlett and Russell's addition, by Corby's addition, by Ege's (2d) addition, by St. Joseph's Garden addition, by Mitchell's addition, by Mayer's (2d) addition, by West's addition, by Original Town, Robidoux addition, by Richardson's addition, by block 2, Central addition, and extending from Lake boulevard to Albemarle street; also the street bounded on the west by block 40, St. Joseph Extension addition, and extending from Highland avenue north to the north line of said addition, shall be called Sixth street. (R. O. 1897, Chap. 34, Art. 1, Sec. 146].

SEC. 486. **Seventh street.**—The street bounded on the west by block 1, Ferguson's addition, and extending from the south line to the north line of said addition; also the street bounded on the west by block 1, Hedenberg's (2d) addition, by blocks 123 and 106, South St. Joseph addition, and extending from the south line of Hedenberg's (2d) addition north to Pacific street; also the street bounded on the east by blocks 18 and 1, Patee's addition, by blocks 12 and 16, Smith's addition, by Bush's addition, by Henry's addition, by block 3, County addition, by blocks 17 and 5, St. Joseph Improvement addition, by blocks 70 and 73, St. Joseph Extension addition and extends from Olive street north to Richardson street, also by the street bounded on the west by block 41, St. Joseph Extension addition and by Hardin Place addition, and extending from Highland avenue north to north line of the last named addition, shall be called Seventh street. [R. O. 1897, Chap. 34, Art. 1, Sec. 147].

SEC. 487. **Eighth street.**—The street bounded on the east by Riley's addition, by lots 1 and 2, block 2, Noble's tract, by blocks 144 and 1, South St. Joseph addition, by blocks 41 and 2, Patee's

addition, by block 2, Nixon's addition, by blocks 27 and 19, Smith's addition, and thence bounded on the west by Bush's addition, by lots 20 and 11, Henry's addition, and extending from Atchison street north to Hall street; also the street bounded on the east by block 4, St. Joseph Improvement addition, by blocks 69 and 65, St. Joseph Extension addition, and extending from Lincoln street north to the north line of St. Joseph Extension addition, shall be called Eighth street. [R. O. 1897, Chap. 34, Art. 1, Sec. 148].

SEC. 488. **Ninth street.**—The street bounded on the west by block 1, Riley's addition, and extending from Atchison street north to the north line of said addition; also the street bounded on the west by blocks 144 and 1, South St. Joseph addition, by blocks 41 and 2, Patee's addition, by block 2, Nixon's addition, by blocks 27 and 19, Smith's addition, by Langan's addition, by Nye's addition, by block 1, Ghio's addition, by blocks 26 and 4, St. Joseph Improvement addition, and extending from the south line of South St. Joseph addition north to Albemarle street; also the street bounded on the east by block 2 and by lot 20, block 3, Pinger's addition, and extending from Grand avenue north to the alley north of Douglas street, shall be called Ninth street. [R. O. 1897, Chap. 34, Art. 1, Sec. 149].

SEC. 489. **Tenth street.**—The street bounded on the east by block 1, Turner and Kirkpatrick's addition, by the east 300 feet of lots 1, 2 and 3, block 3, Noble tract, by blocks 146 and 17, South St. Joseph addition, by blocks 33 and 4, Patee's addition, by blocks 45 and 37, Smith's addition, thence bounded on the west by Snyder's addition, by block 1, Roger's (1st) addition, by blocks 25 and 3, St. Joseph Improvement addition, by St. Joseph Extension addition, by Pinger's addition, and extending from the north line of block 2, Noble tract north to Highland avenue, shall be called Tenth street. [R. O. 1897, Chap. 34, Art. 1, Sec. 150].

SEC. 490. **Eleventh street.**—The street bounded on the west by blocks 7 and 8, Walker's (2d) addition, and extending from the north line of said addition south to Fifth avenue; also the street bounded on the west by blocks 12 and 5, North St. Joseph (1st) addition, by block 2, Fair Ground addition, by blocks 2 and 32, St. Joseph Improvement addition, by blocks 39 and 15, Smith's

addition, by blocks 1 and 2, Inslee and Allen's addition, by blocks 4 and 33, Patee's addition, by blocks 17 and 146, South St. Joseph addition, by block 3, Noble tract, by Turner and Kirkpatrick's addition, by block 2, Noble tract and thence produced south across the southeast quarter of section 20, township 57, range 35, extending from Highland avenue south to city limits, shall be called Eleventh street. [R. O. 1897, Chap. 34, Art. 1, Sec. 151].

SEC. 491. **Twelfth street.**—The street bounded on the west by the west 300 feet of lots 6 and 5, Noble's addition, by the west 300 feet of lot 4, block 4, Noble tract, by block 1, Zimmerman's addition, by block 1, Fairview addition, by block 1, Lee and Hardman's addition, by the west 300 feet of the north half of lot 1, block 4, Noble tract, by blocks 147 and 32, South St. Joseph addition, by block 32 and west half of blocks 28 and 23, Patee's addition, and extending from Atchison street north to Olive street; also the street bounded on the west by blocks 57 and 51, Smith's addition, by blocks 6 and 1, Wilson's addition, by block 1, Thompson's addition, by Nunning Place, by Fink's addition, by blocks 31 and 1, St. Joseph Improvement addition, by Duncan Place, by block 1, Fair Ground addition, by blocks 3 and 13, North St. Joseph (1st) addition, and extending from Messanie street north to Moss street; also the street bounded on the west by blocks 9 and 6, Walker's (2d) addition, and extending from Fifth avenue north to the north line of said addition, shall be called Twelfth street. [R. O. 1897, Chap. 34, Art. 1, Sec. 152].

SEC. 492. **Thirteenth street.**—The street bounded on the west by block 1, Sunnyside addition, by block 2, Zimmerman's addition, by block 2, Fairview addition, by block 2, Lee and Hardman's addition, and extending from Atchison street north to the north line of Lee and Hardman's addition; also the street bounded on the west by blocks 148 and 33, South St. Joseph addition, by blocks 31 and 5, Patee's addition, and extending from the south line of South St. Joseph addition north to Messanie street; also bounded on the west by blocks 59 and 65, Smith's addition, by blocks 5 and 2, Wilson's addition, by block 2, Thompson's addition, and extending from Angelique street north to the north line of Smith's addition; also the street bounded on the east by Thomas Henry's addition, by block 21, St. Joseph Improvement addition, by blocks 1 and 7, Roger's (2d) addition, by block 1, Jackson

addition, by block 2, Smith and Lewis (1st) addition, by block 1, Smith and Jones addition, by block 2, Smith and Lewis' (2d) addition, by blocks 1 and 15, North St. Joseph (1st) addition, and extending from Frederick avenue north to Moss street, shall be called Thirteenth street. [R. O. 1897, Chap. 34, Art. 1, Sec. 153].

SEC. 493. **Fourteenth street.**—The street bounded on the east by block 1, Springdale addition, and extending from Seymour street north to Spring street; also the street bounded on the east by northwest quarter of northwest quarter of southwest quarter section 21, township 57, range 35, by blocks 1 and 6, Horn Heights addition, by block 1, R. W. Donnell's addition, by blocks 54 and 85 Patee's addition, by blocks 4 and 6, Stewart's addition, and extending from Garfield avenue, north to Messanie street; also the street bounded on the east by block 23, Carter's addition, by blocks 7 and 8, Wilson's addition, and extending from Charles street north to Felix street; also the street bounded on the east by lots 16 and 3, block 2, Avenue addition, and extending from Frederick avenue north to the north line of said lot 3, shall be called Fourteenth street. [R. O. 1897, Chap. 34, Art. 1, Sec. 154].

SEC. 494. **Fifteenth street.**—The street bounded on the west by block 3, Carder's addition, and extending from south city limits north to Seymour street; also the street bounded on the west by block 1, Springdale addition, and extending from Seymour street north to Spring street; also the street bounded on the west by blocks 1 and 6, Horn Heights addition, and extending from Atchison street north to Pacific street; also the street bounded on the west by blocks 53 and 85, Patee's addition, by blocks 4 and 6, Stewart's addition, by blocks 32 and 1, Carder's addition, by blocks 7 and 8, Wilson's addition, by lot 1, block 3, Landis' addition, and extending from Sacramento street north to the alley south of Buchanan avenue; also the street bounded on the southwest by block 1, Landis and Hull's addition, and extending from Buchanan avenue northwest to Frederick avenue; also the street bounded on the west by blocks 15 and 27, Highly's addition, by blocks 22 and 1, North St. Joseph (2d) addition, and extending from Highly street north to Moss street; also the street bounded on the east by blocks 20 and 4, Walker's (2d) addition, and extending from the south line of said addition north to Seventh avenue, shall be called Fifteenth street. [R. O. 1897, Chap. 34, Art. 1, Sec. 155].

SEC. 495. **Sixteenth street.**—The street bounded on the west by block 2, Carder's addition, and extending from south city limits north to Seymour street: also the street bounded on the east by blocks 7 and 1, South Park addition, by blocks 13 and 18, Horn Heights addition, thence bounded on the west by block 1, R. W. Donnell's addition and extending from Garfield avenue north to Duncan street: also the street bounded on the west by blocks 56 and 86, Patee's addition, by blocks 3 and 1, Stewart's addition, by blocks 33 and 2, Carder's addition, by block 3, Landis' addition, and extending from Sacramento street north to Buchanan avenue; also the street bounded on the southwest by block 2, Landis and Hull's addition, and extending from Buchanan avenue northwest to Frederick avenue: also the street bounded on the west by blocks 14 and 26 Highly's addition, by blocks 23 and 2, North St. Joseph (2d) addition, and extending from Highly street north to Moss street, shall be called Sixteenth street. [R. O. 1897, Chap. 34, Art. 1, Sec. 156].

SEC. 496. **Seventeenth street.**—The street bounded on the west by blocks 3 and 4, Cudmore's addition, and extending from south city limits north to Southside avenue; also the street bounded on the west by block 9, South Park addition, and extending from Garfield avenue north to Commercial street; also the street bounded on the west by blocks 12 and 1, South Park addition, by blocks 13 and 18, Horn Heights addition, by the west 300 feet of block 2, R. W. Donnell's addition, by blocks 55 and 87, Patee's addition, by blocks 5 and 1, Mayer's (3d) addition, by blocks 34 and 3, Carder's addition, by block 4, Landis' addition, and extending from Belle street north to Buchanan avenue; also the street bounded on the east by blocks 1 and 5, Oliver Glass and Wilson's addition, by blocks 12 and 24, Highly's addition, by blocks 25 and 4, North St. Joseph (2d) addition, and extending from Frederick avenue north to Moss street; also the street bounded on the east by blocks 18 and 1, Walker's (2d) addition, and extending from the south line of the north line of said addition, shall be called Seventeenth street. [R. O. 1897, Chap. 34, Art. 1, Sec. 157].

SEC. 497. **Eighteenth street.**—The street bounded on the west by blocks 2 and 5, Cudmore's addition, and extending from south city limits north to Southside avenue; also the street bound-

ed on the west by block 13, Factory Ground addition, by blocks 10 and 2, South Park addition, by blocks 24 and 19, Horn Heights addition, by block 2, R. W. Donnell's addition, and extending from Garfield avenue north to Jackson street; also the street bounded on the west by blocks 45 and 88, Patee's addition, by blocks 6 and 2, Mayer's (3d) addition, by blocks 35 and 4, Carter's addition, and extending from Duncan street north to the alley north of Faraon street; also the street bounded on the west by blocks 2, and 5, Oliver, Glass and Wilson's addition, by blocks 12 and 24, Highly's addition, by blocks 25 and 5, North St. Joseph's (2d) addition, and extending from Frederick avenue north to Lover's lane; also the street bounded on the west by blocks 19 and 1, Walker's (2d) addition, and extending from the north line to the south line of said addition, shall be called Eighteenth street. [R. O. 1897, Chap. 34, Art. 1, Sec. 158].

SEC. 498. **Nineteenth street.**—The street bounded on the west by blocks 1 and 6, Cudmore's addition, and extending from the south city limits north to Southside avenue; also the street bounded on the west by Boesl's addition, by blocks 1 and 5, Seymour's addition, by blocks 25 and 29, Horn Heights addition, and extending from Garfield avenue north to Sycamore street; also the street bounded on the west by blocks 1 and 4, Tapee's addition, and extending from Pacific street to Jackson street; also the street bounded on the west by blocks 46 and 89, Patee's addition, by blocks 10 and 1, Hall's (2d) addition, by blocks 33 and 1, Harris' addition, thence bounded on the east by blocks 8 and 5, Kemper's addition, by blocks 6 and 22, Highly's addition, and extending from Duncan street north to the north line of Highly's addition; also the street bounded on the east by blocks 27 and 15 North St. Joseph (2d) addition, and extending from the south line to the north line of said addition, shall be called Nineteenth street. [R. O. 1897, Chap. 34, Art. 1, Sec. 159].

SEC. 499. **Twentieth street.**—The street bounded on the west by blocks 7 and 1, Thomas' addition, and extending from the south line to the north line of said addition; also the street bounded on the west by blocks 1 and 4, Maddinger's addition, by Donnell Park addition, by blocks 47 and 90 Patee's addition, by blocks 8 and 3, Hall's (2d) addition, by blocks 34 and 2, Harris' addition, and extending from Pacific street north to the alley

north of Faraon street; also the street bounded on the west by blocks 8 and 14, Kemper's addition, by blocks 6 and 4, Highly's addition, by blocks 4 and 5, Carbry's addition, by blocks 1 and 12, Oakland Park addition, by lots 1 and 5, Benton Place, and extending from the alley south of Mulberry street north to Moss street, shall be called Twentieth street. [R. O. 1897, Chap. 34, Art. 1, Sec. 160].

SEC. 500. **Twenty-first street.**—The street bounded on the west by blocks 3 and 2, Connett's Place, by block 9, Thomas' addition, and extending from Garfield avenue north to the alley north of Spring street; also the street bounded on the west by blocks 5 and 2, Thomas' addition, and extending from Commercial street north to the north line of said addition; also the street bounded on the west by blocks 75 and 91, Patee's addition, by blocks 7 and 4, Hall's (2d) addition, by blocks 35 and 3, Harris' addition, by block 1, Marney Place, and extending from Penn street north to Mulberry street, shall be called Twenty-first street. [R. O. 1897, Chap. 34, Art. 1, Sec. 161].

SEC. 501. **Twenty-second street.**—The street located along the north and south quarter section line of section 21, township 57, range 35, from the south city limits north to Garfield avenue, thence bounded on the west by blocks 5 and 1, Connett Place, by blocks 10 and 3, Thomas' addition, thence bounded on the east by blocks 9 and 2, Gladstone Heights addition, thence located along said quarter section line north to Pacific street, thence bounded on the west by Maddinger's addition, thence bounded on the east by Donnell and Saxton's addition, thence bounded on the west by blocks 48 and 92, Patee's addition, by Evergreen addition by blocks 6 and 5 Hall's (2d) addition, by blocks 36 and 4, Harris' addition, thence bounded on the east by St. Joseph Eastern Extension addition, thence bounded on the west by Carbry's addition, by Oakland Park addition, thence located north along the quarter section line of section 4, township 57, range 35, and extending from south city limits north to Lover's lane, shall be called Twenty-second street. [R. O. 1897, Chap. 34, Art. 1, Sec. 162].

SEC. 502. **Twenty-third street.**—The street bounded on the west by block 9, Gladstone Heights addition, and extending from

the south line of said addition north to Atchison street; also the street bounded on the west by blocks 9 and 1, Hall's (1st) addition, by Tolin tract, by Rost's addition, by blocks 3 and 1, Hall's (3d) addition, and extending from the south line of Hall's (1st) addition north to Hermann avenue; also the street bounded on the west by lots 13 and 40 of both block 6 and 5, Villarosa addition, and extending from Messanie street north to Sylvanie street; also the street bounded on the west by blocks 21 and 4, St. Joseph Eastern Extension addition, and extending from the alley south of Mulberry street north to Highly street, shall be called Twenty-third street. [R. O. 1897, Chap. 34, Art. 1, Sec. 163].

SEC. 503. **Twenty-fourth street.**—The street bounded on the west by blocks 10 and 2, Gladstone Heights addition, and extending from the south line to the north line of said addition; also the street bounded on the west by blocks 1 and 2, Donnell and Saxton's addition, by blocks 15 and 2, Hall's (1st) addition, and extending from Jackson street north to Penn street; also the street bounded on the east by Frederick's addition, by blocks 1 and 4, Hermann's addition, by blocks 3 and 2, Hartwig and Niebel's addition, by blocks 7 and 12 Villarosa addition, by blocks 30 and 26, Eastern Extension addition, by blocks 23 and 2, St. Joseph Eastern Extension addition, and extending from the alley south of Lafayette street north to Highly street, shall be called Twenty-fourth street. [R. O. 1897, Chap. 34, Art. 1, Sec. 164].

SEC. 504. **Twenty-fifth street.**—The street bounded on the west by block 11, Gladstone Heights addition, and extending from the south line of said addition north to Atchison street; also the street bounded on the west by blocks 14 and 3, Hall's (1st) addition, and extending from Duncan street north to Penn street; also the street bounded on the west by blocks 7 and 10, Villarosa addition, by blocks 74 and 51, Eastern Extension addition, by blocks 23 and 2, St. Joseph Eastern Extension addition, and extending from Messanie street north to Frederick avenue, shall be called Twenty-fifth street. [R. O. 1897, Chap. 34, Art. 1, Sec. 165].

SEC. 505. **Twenty-sixth street.** The street bounded on the west by lots 1 and 3, block 12, Gladstone Heights addition, and extending from the south line of said lot 3 north to Atchison street; also the street bounded on the east by blocks 15 and 6,

Wyatt Park addition, thence bounded on the west by blocks 4 and 6, Hermann's addition, by block 2, Hartwig and Neibel's addition, and extending from Mitchell avenue north to Messanie street; also the street bounded on the west by blocks 16 and 13 Villarosa addition, by blocks 73 and 50, Eastern Extension addition, and extending from Messanie street north to Mulberry street; also the street bounded on the west by block 43, Eastern Extension addition, and extending from Clay street north to Mulberry street; also the street bounded on the east by blocks 1 and 4 Saxton's Heights addition, and extending from Frederick avenue north to Osage street, shall be called Twenty-sixth street. [R. O. 1897, Chap. 34, Art. 1, Sec. 166].

SEC. 506. **Twenty-seventh street.**—The street bounded on the east by blocks 1 and 2, Grandview addition, and extending from Jackson street north to Duncan street; also the street bounded on the west by blocks 15 and 2, Wyatt Park addition, and extending from Mitchell avenue north to the north line of said addition; also the street bounded on the west by blocks 17 and 20, Villarosa addition, by blocks 72 and 45 Eastern Extension addition, and extending from Messanie street north to Clay street; also the street bounded on the west by blocks 3 and 4, Saxton Heights addition, and extending from Folsom street north to Osage street, shall be called Twenty-seventh street. [R. O. 1897, Chap. 34, Art. 1, Sec. 167].

SEC. 507. **Twenty-eighth street.**—The street bounded on the west by blocks 3 and 4, Grandview addition, and extending from Jackson street to Duncan street; also the street bounded on the west by blocks 16 and 1, Wyatt Park addition, by Villarosa addition, by Eastern Extension addition, thence located north along the line between sections 9 and 10, township 57, range 35 and extending from Mitchell avenue north to Frederick avenue, shall be called Twenty-eighth street. [R. O. 1897, Chap. 34, Art. 1, Sec. 168].

Avenues Designated by Numbers.

SEC. 508. **Third avenue.**—The street bounded on the north by blocks 16 and 17, Walker's (2d) addition, and extending from Seventeenth street west to the west line of said addition, shall be called Third avenue. [R. O. 1897, Chap. 34, Art. 1, Sec. 169].

SEC. 509. **Fourth avenue.**—The street bounded on the north by blocks 13 and 15, Walker's (2d) addition, and extending from Eighteenth street west to the west line of said addition, shall be called Fourth avenue. [R. O. 1897, Chap. 34, Art. 1, Sec. 170].

SEC. 510. **Fifth avenue.**—The street bounded on the north by blocks 8 and 12, Walker's (2d) addition, and extending from St. Joseph avenue east to the east line of said addition, shall be called Fifth avenue. [R. O. 1897, Chap. 34, Art. 1, Sec. 171].

SEC. 511. **Sixth avenue.**—The street bounded on the north by blocks 3 and 7, Walker's (2d) addition, and extending from St. Joseph avenue east to the east line of said addition, shall be called Sixth avenue. [R. O. 1897, Chap. 34, Art. 1, Sec. 172].

SEC. 512. **Seventh avenue.**—The street bounded on the north by blocks 1 and 2, Walker's (2d) addition, and extending from Fifteenth street east to the east line of said addition, shall be called Seventh avenue. [R. O. 1897, Chap. 34, Art. 1, Sec. 173].

SEC. 513. **Eighth avenue.**—The street bounded on the south by block 1, Walker's (2d) addition, and extending from Seventeenth street east to the east line of said addition, shall be called Eighth avenue. [R. O. 1897, Chap. 34, Art. 1, Sec. 174].

SEC. 514. **Carnegie street.**—The street bounded on the west by blocks 10 to 17, South St. Joseph Town Company' (2d) addition, and by blocks 3, 10 and 17, South St. Joseph Town Company's (3d) addition, and extending from Indiana street to Alabama street on the plats of said additions, be and the same is hereby named and designated Carnegie street. [G. O. No. 732, Sec. 1].

ARTICLE II.

GRADES OF STREETS, AVENUES AND ALLEYS.

SECTION

515. Grades to be established when plat filed.

516. Profiles to be on same kind of paper and to be recorded in feet above city's datum.

SECTION

517. Grades, how established.

518. At what elevation.

SEC. 515. **Grades to be established when plat filed**—No plat of any proposed addition to the city of St. Joseph or any subdivision of any real estate in the city shall be approved by the mayor and municipal assembly unless in the same ordinance with the approval of such plat the grades of all streets, avenues, and highways shown on such plat as being dedicated to public use shall be established, and such approval shall not then become effective until the dedicators of such streets, avenues and highways shall have filed in the office of the city engineer profiles of such streets, avenues and highways. [G. O. No. 741, Sec. 1].

SEC. 516. **Profiles to be on same kind of paper and to be recorded in feet above city's datum.**—Said profiles shall be platted on the same kind of profile paper and to the same scale as the profiles of other streets, avenues and highways on record in the office of the city engineer, and all elevations on such profiles shall be recorded in feet above the city datum as taken from the pivot pier of the Missouri river bridge. [G. O. No. 741, Sec. 2].

SEC. 517. **Grades, how established.**—All grades marked on grade maps and profiles of the city of St. Joseph, or named in any ordinance thereof, as the grades of the intersections of two streets, shall have direct reference to and shall designate the relative height of the point where the center line or axis of said two streets intersect. [R. O. 1897, Chap. 34, Art. 2, Sec. 1].

SEC. 518. **At what elevation.**—The grades of the following streets, avenues and alleys are hereby established at the elevations given herein, in feet above high water mark in the Missouri river, taken from the pivot pier of the St. Joseph bridge:

Elwood Street.

G. O. No.	Feet
546....North city limits....	170.00
546....Rosine	175.00
546....Isabelle	182.00
546....Auguste	189.00
546....Poulin	186.00

Bellevue Street.

546....City limits	186.00
546....Rosine	180.00
546....Isabelle	150.00
546....Auguste	154.00
546....Poulin	154.00
546....Franklin	140.00
546....Michel	120.00
546....Louis	130.00
546....Antoine	100.00
546....Isidore	70.00

Water Street.

546....Highland avenue	126.00
546....Dolman	156.00
546....St. Paul	180.00
546....Market	166.00
546....Chestnut	145.00
546....Linn	182.00
546....Cherry	174.00
546....Section Line	171.00
546....Rosine	152.00
546....Isabelle	135.00
546....Auguste	114.00
546....Poulin	108.00
546....Franklin	123.00
546....Michel	148.00
546....Louis	143.00
546....Antoine	136.00
546....Isidore	116.00
546....Robidoux	75.00
546....Faraon	35.00

Levee Street or Dewey Avenue.

546....City limits.....	170.00
546....Highland Avenue	158.00
546....Dolman	160.00
546....St. Paul	146.00

G. O. No.	Feet
546....Market	156.00
546....Chestnut	170.00
546....Linn	178.00
546....Cherry	165.00
546....Section line, 165 feet north of north line of Rosine	173.00
546....Eighty feet north of north line of Rosine..	178.50
546....Rosine	176.50
546....Isabelle	163.00
546....Half way between Isa- belle and Auguste....	155.00
546....Auguste	140.00
546....Poulin	100.00
546....Franklin	76.00
546....Michel	80.00
546....Half way between Michel and Louis....	83.00
704....Louis	76.00
546....Antoine	64.00
546....Isidore	55.00
546....Robidoux	38.00
546....Faraon	25.00
546....Jules	13.00
546....Francis	3.00

Main Street.

546....City limits	210.00
546....Highland avenue	190.00
546....Dolman	180.00
546....St. Paul	154.00
546....Market	125.00
546....Chestnut	130.00
546....Linn	142.00
546....Cherry	130.00
546....Rosine	136.00
546....Isabelle	122.00
546....Auguste	108.00
546....Poulin	104.00
546....North line of Frank- lin	69.00
546....Franklin	66.00
546....Michel	50.00
546....Louis	40.00
546....Antoine	33.00
546....Isidore	26.50

Main Street—Cont'd.

G. O. No.	Feet
546....Robidoux	26.00
546....Faraon	29.00
546....Jules	31.50
546....Francis	24.50
546....Felix	18.00

Second Street.

546....City limits	205.00
546....Highland avenue ...	188.00
546....Dolman	170.00
546....St. Paul	152.00
546....Market	122.50
546....Chestnut	100.00
546....Linn	98.00
546....Cherry	110.00
546....Rosine	77.00
546....Isabelle	70.00
546....Auguste	62.00
546....Poulin	54.00
546....Franklin	46.00
546....Michel	39.00
546....Louis	32.50
546....Antoine	28.00
546....Isidore	31.50
546....Robidoux	40.00
546....Faraon	48.50
546....Jules	45.50
546....Francis	30.00
546....Felix	22.00
546....Edmond	19.00
546....Charles	15.50
546....Oak	6.00
546....Cedar	5.00
546....Atchison	4.00

Third Street.

546....North line of St. Joseph Extension ad- dition	166.00
546....Alley north of High- land avenue	160.00
546....Highland avenue ...	168.00
546....Alley between Dolman and Highland avenue..	170.00
546....Dolman	167.00
546....St. Paul	140.00

G. O. No.	Feet
546....Market	113.00
546....Chestnut	95.00
546....Linn	74.00
546....Cherry	69.00
546....Savannah avenue ...	64.30
546....Albermarle	63.50
546....Rosine	57.00
546....Isabelle	43.00
546....Auguste	38.00
546....Poulin	39.00
546....Franklin	40.50
546....Michel	37.50
546....Louis	34.50
546....Antoine	44.50
546....Isidore	54.50
546....Robidoux	64.00
546....Faraon	71.00
546....Jules	60.00
546....Francis	46.00
546....Felix	30.50
546....Felix, northeast cor- ner	30.50
546....Felix, southeast cor- ner	29.83
546....Felix, northwest cor- ner	30.00
546....Felix, southwest cor- ner	29.25
546....Edmond	23.00
546....Charles	20.00
546....Sylvanie	16.00
546....Angelique	13.00
546....Messanie	10.00
546....Locust	9.00
546....Mary	7.40
546....Patee	5.00
546....Oak	8.00
546....Cedar	6.50
546....Atchison	5.00

Fourth Street.

546....North line of St. Joseph Extension ad- dition	146.00
546....First alley north of Highland avenue ...	140.00
546....Highland avenue ...	128.00

Fourth Street—Cont'd.

G. O. No.	Feet
546....Alley between Dorman street and Highland avenue	133.00
546....Dolman	140.00
546....120 ft. north of the north line of St. Paul.	138.00
546....North line of St. Paul.	130.00
546....South line of St. Paul.	129.00
546....120 ft. north of Washington avenue.....	120.00
546....Albemarle	46.00
546....Rosine	42.00
546....Half way between Rosine and Isabelle..	38.00
546....Isabelle	36.00
546....Half way between Isabelle and Auguste....	35.00
546....Auguste	36.00
546....Poulin	38.00
546....Franklin	40.00
546....Michel	42.00
546....Louis	56.00
546....Antoine	78.00
546....Isidore	94.00
546....Robidoux	97.00
546....Faraon	92.00
546....Jules	78.00
546....Francis	61.00
546....Felix	40.00
546....Edmond	30.00
546....Charles	24.00
546....Sylvanie	19.00
546....Angelique	15.50
546....Messanie	12.00
546....Locust	11.50
546....Mary	10.30
546....Patee	9.50
546....Olive	7.50
546....Lafayette	8.50
546....Seneca	10.00
546....Mitchell avenue	11.00
546....Renick	12.00
546....Sacramento	12.75
546....150 ft. south of Sacramento	13.00
546....Monterey	8.50
546....Duncan	7.00

G. O. No.	Feet
546....Doniphan avenue	7.75
546....Jackson	8.50
681....Scott	8.00
681....Maple	7.00
681....Sycamore	8.25
681....Hickory	9.25
681....Walnut	8.00
681....Oak	6.75
681....Cedar	5.50
546....Atchison	7.00

Fifth Street.

546....North line of St. Joseph Extension addition	124.00
546....First alley north of Highland avenue	121.00
546....Highland avenue	110.00
546....Albemarle	42.00
546....120 ft. north of Isabelle	38.00
546....Isabelle	43.00
546....Auguste	63.00
546....Poulin	88.00
546....Half way between Poulin and Franklin..	100.50
546....Franklin	88.00
546....Michel	72.00
546....Louis	90.00
546....Antoine	128.00
546....Half way between Antoine and Isidore....	141.50
546....Isidore	139.00
546....Robidoux	127.00
546....Faraon	106.50
546....Jules	85.00
546....Francis	63.00
546....Felix	48.00
546....Edmond	36.00
546....Charles	28.00
546....Sylvanie	23.00
546....Angelique	18.00
546....Messanie	15.00
546....Mitchell avenue	15.00
546....500 ft. south of south line of Mitchell avenue	13.50

Fifth Street—Cont'd.

G. O. No.	Feet
750....Monterey	11.50
750....Duncan	11.00
750....Doniphan avenue	10.50
750....Jackson	10.00
750....Scott	10.50
750....Maple	11.00
750....Sycamore	12.00
750....Hickory	12.50
750....Walnut	13.00
750....Oak	12.50
750....Cedar	13.00

Bartlett Street.

546....Monterey	9.09
546....Duncan	8.50
546....Doniphan avenue	9.00
546....Jackson	8.50
546....Scott	8.00
546....Pacific	7.50
546....Maple	8.00
546....Sycamore	9.50
546....Hickory	10.75
546....Walnut	11.50
546....Oak	12.50
546....Cedar	12.00

Sixth Street.

634....Moss street (in Har- din Place) produced west	105.00
546....Albemarle	42.00
546....Isabelle	53.00
546....Auguste	64.00
546....Poulin	87.50
546....Franklin	111.00
546....Michel	114.00
546....Hall	120.00
546....Louis	120.00
546....Antoine	130.00
546....Isidore	116.00
546....Robidoux	102.00
546....Faraon	88.00
546....Jules	76.50
546....Francis	68.00
546....Felix	58.00
546....Edmond	44.00
546....Charles	31.50
546....Sylvanie	26.50

G. O. No.	Feet
546....Angelique	22.00
546....Messanie	18.50
546....Locust	16.00
546....Mary	15.00
546....Patee	13.50
546....Olive	12.00
546....Lafayette	10.00
546....Seneca	11.00
546....350 ft. north of Mitch- ell avenue	14.25
546....Mitchell avenue	14.25
546....400 feet south of Mitchell avenue.....	14.25
546....175 ft. north of Mon- terey street, east	12.40
546....Monterey, west	12.00
546....Duncan	11.50
546....Doniphan avenue	10.60
546....Jackson	10.25
546....Scott	9.50
546....Pacific	9.00
546....Maple	9.80
546....Sycamore	11.00
546....Hickory	12.25
546....Walnut	13.75
546....Oak	15.50
546....Cedar	15.00
546....Atchison	14.00
703....1360 ft. south of north line of Cedar.....	18.00
703....2106 ft. south of north line of Cedar.....	45.10
703....2145 ft. south of north line of Cedar.....	45.35
703....2445 ft. south of north line of Cedar.....	45.35
703....Intersection of west line of Sixth street with King Hill avenue	42.00

Grape Street.

546....Broadway	204.00
546....Alley between Madi- son and Broadway...	212.00
546....Madison	195.00
546....Monroe	162.00
546....Concord avenue	138.00
546....Hamburg avenue	140.00
546....Shady avenue	124.00

Diana Street.

G. O. No.	Feet
546....Broadway	200.00
546....Madison	165.00
546....Monroe	135.00
546....Concord avenue	110.00
546....Hamburg avenue	106.00
546....Alley between Shady avenue and Hamburg avenue	108.00
546....Shady avenue	102.00

Seventh Street.

800....Van Brunt avenue...	103.00
800....McDonald street ...	121.00
800....Peach Tree avenue..	125.00
800....At alley between Peach Tree avenue and Shady avenue...	100.00
546....North line of Hardin Place addition	92.00
546....Moss street or north line of St. Joseph Ex- tension addition	80.00
634....Moss street (in Har- din Place)	86.00
546....Richardson	62.00
546....Half way between Richardson and Pen- dleton	80.00
546....Pendleton	83.00
546....Alley between Pendle- ton and Albemarle...	81.00
546....Albemarle	87.00
546....Lincoln	92.00
546....Powell	94.00
546....Alley between Corby and Powell	90.00
546....Corby	92.50
546....Hall	148.00
546....550 ft. north of the north line of Robi- doux	127.00
546....Robidoux, east	94.00
546....Robidoux, west	93.00
546....Faraon	90.00
546....Jules	93.00
546....Francis	77.50
546....Felix	58.00

G. O. No.	Feet
546....Edmond	43.00
546....Charles	36.00
546....Sylvanie	28.00
546....Angelique	24.00
546....Messanie	21.00
546....Locust	16.00
546....Mary	14.50
546....Patee	13.00
546....Olive	11.00

Catawba Street.

546....Broadway	164.00
546....Madison	134.00
546....Monroe	105.00
546....Concord avenue	85.00
546....Hamburg avenue ...	80.00
546....Shady avenue	76.00

Eighth Street.

546....Jefferson	63.00
546....Woodson	70.00
546....Richardson	82.00
546....Pendleton	100.00
653....E. curb line Albe- marle	112.40
546....Albemarle	111.00
653....W. curb line, Albe- marle	109.60
622....Lincoln	114.00
546....Hall	158.00
546....Alley between Han and Robidoux	127.50
546....164 ft. north of north line of Robidoux ...	104.00
546....Robidoux	98.00
546....Faraon	110.00
546....Jules	89.00
546....Francis	66.00
546....Felix	48.00
546....Frederick avenue ...	48.00
546....Edmond	50.50
546....Charles	53.50
546....Sylvanie	43.00
546....Angelique	32.00
546....Messanie	23.00
546....Locust	18.00
546....Mary	15.00

Eighth Street—Cont'd.

G. O. No.	Feet
546....Patee	13.00
546....Olive	14.00
546....Lafayette	16.00
546....Seneca	17.00
546....Penn	18.00
546....Mitchell avenue	19.00
546....Renick	22.50
546....Sacramento	19.00
546....Monterey	16.50
546....Duncan	15.00
546....Doniphan avenue ...	14.00
546....Jackson	13.25
546....Scott	12.50
546....Pacific	12.00
546....Sycamore	13.00
546....Hickory	14.00
791....Atchison	22.00

Ninth Street.

546....Albemarle	135.00
546....Lincoln	137.00
546....Powell	150.00
546....Corby	151.00
546....Ridenbaugh	155.00
546....Hall	143.00
546....Church	131.50
546....Northwest corner Snyder tract	114.00
546....160 ft. north of Robi- doux	106.40
546....Robidoux	115.00
546....Faraon	98.00
546....Jules	70.00
546....Alley between Jules and Francis	60.50
546....Francis	56.00
546....Frederick avenue ...	56.00
546....Felix	59.00
546....Edmond	74.00
546....120 ft. north of the north line of Charles.	82.00
546....Charles	85.00
546....Sylvanie	71.00
546....Angelique	55.50
546....150 ft. north of the north line of Messanie	43.00
546....Messanie	37.00

G. O. No.**Feet**

546....116 ft. south of the south line of Messanie	32.50
546....Locust	26.00
546....Mary	20.75
546....Patee	18.00
546....Olive	15.50
546....Lafayette	16.50
546....Seneca	18.00
546....Penn	19.00
546....Mitchell avenue	21.00
546....Renick	24.00
546....Sacramento	21.00
546....Monterey	18.50
546....Duncan	17.50
546....Doniphan avenue ...	16.00
546....Jackson	14.50
546....Scott	13.50
546....Pacific	13.00
546....Sycamore	14.00
546....Hickory	15.00
791....Atchison	23.50

Spruce Street.

546....Broadway	128.00
546....Madison	103.00
546....Monroe	81.00

Dearborn Street.

546....Broadway	94.00
546....Madison	78.00

Tenth Street.

546....Highland avenue	60.00
546....Douglas	56.00
546....Grand avenue	52.00
793....Jefferson	88.00
793....North line of Wood- son street, west.....	108.00
793....South line of Wood- son street, east.....	112.00
793....Richardson street center line	132.00
793....Pendleton	149.00
546....Albemarle	166.00
546....Lincoln	170.00
546....Powell	162.00

Tenth Street—Cont'd.

G. O. No.	Feet
546....Corby	148.00
546....Ridenbaugh	135.00
546....Opposite center of Henry	124.00
546....Church	127.00
546....Isidore	130.00
546....250 ft. north of the north line of Robi- doux	128.00
546....140 ft. north of the north line of Robi- doux	123.00
546....Robidoux	109.00
546....Faraon	83.00
546....Jules	65.00
546....Frederick avenue ...	64.00
546....Francis	62.50
546....Felix	81.00
546....Edmond	102.00
546....Charles	113.00
546....Sylvanie	99.00
546....Angelique	83.00
546....Messanie	63.00
546....Locust	43.00
546....Patee	30.00
546....Olive	25.00
546....Lafayette	22.00
546....Seneca	20.00
546....Penn	22.00
546....Mitchell avenue	24.00
546....Renick	26.00
546....Sacramento	24.50
546....Monterey	21.50
546....Duncan	19.50
546....Doniphan avenue ...	17.50
546....Jackson	16.50
546....Scott	18.00
546....Pacific	19.50
546....Sycamore	18.00
546....Hickory	21.00
791....250 ft. north of Atchi- son	26.00
791....450 ft. north of Atchi- son	27.00
791....Atchison at center line of Tenth.....	25.00

Clark Street.

G. O. No.	Feet
546....Broadway	76.00

Eleventh Street.	
546....Highland avenue	93.00
546....Douglas	71.00
546....Grand avenue	55.00
546....200 ft. south of Grand avenue	57.00
546....600 ft. south of Grand avenue	70.00
546....Highly (section line) ..	120.00
546....Lincoln	137.00
546....Half way between Lincoln and Powell ..	146.00
546....Powell	153.00
546....Corby	144.00
546....Ridenbaugh	153.00
546....Henry	156.00
546....Church	159.00
546....Alley between Church and Isidore	158.00
546....Isidore	143.30
546....Faraon and Frederick avenue	80.00
546....Jules	68.00
546....Francis	73.50
546....Felix	128.00
546....Edmond	153.00
546....Half way between Ed- mond and Charles...	154.00
546....Charles	150.00
546....Sylvanie	131.00
546....Angelique	125.00
546....Messanie	97.00
546....Locust	77.50
546....Patee	57.00
546....Olive	47.50
546....Lafayette	36.00
546....Seneca	28.00
546....Penn	24.00
546....Mitchell avenue	26.60
546....Renick	28.00
546....Sacramento	26.00
546....Monterey	23.25
546....Duncan	22.00
546....Doniphan avenue ...	20.50

Eleventh Street—Cont'd.	
G. O. No.	Feet
546....Jackson	19.00
546....Scott	21.00
546....Pacific	23.50
546....Sycamore	28.50
546....Hickory	27.50
546....2600 ft. north of Atchison	26.50
546....2000 ft. north of Atchison	28.50
546....1350 ft. north of Atchison	26.50
546....1000 ft. north of Atchison	28.50
546....500 ft. north of Atchison	32.00
546....Atchison	28.50

Vine Street.	
546....Locust	102.00
546....Patee	91.00
546....Olive	68.50
546....Lafayette	56.00
546....Seneca	48.00

Twelfth Street.	
546....Alley north of Highland avenue	125.00
546....Highland avenue	112.00
546....Douglas	85.00
546....Alley north of Grand avenue	72.00
546....Grand avenue	65.00
546....Boyd	63.00
546....300 ft. south of Boyd..	66.00
546....Opposite center line of Holman	80.00
546....Opposite center line of Beattie	106.00
546....Highly	134.00
546....Lincoln	169.00
546....Alley between Lincoln and Powell....	171.00
546....Powell	168.00
546....Corby	161.00
546....Ridenbaugh	177.00
546....Alley between Ridenbaugh and Henry....	178.00
546....Henry	169.00

G. O. No.	Feet
546....Church	146.00
546....Isidore	122.00
546....300 ft. north of the north line of Frederick avenue	123.00
546....Frederick avenue ...	93.00
546....Faraon	76.00
546....75 ft. south of the south line of Faraon..	72.00
546....Half way between Faraon and Jules....	73.00
546....Jules	74.20
546....Half way between Jules and Francis...	76.00
546....Francis	81.50
546....Felix	100.00
546....Edmond	126.00
546....Charles	151.00
546....Sylvanie	162.00
546....Angelique	168.00
546....Half way between Angelique and Messanie..	160.00
546....Messanie	139.00
546....Olive	87.00
546....Lafayette	79.00
546....Seneca	63.00
546....Penn	47.00
546....100 ft. south of Penn..	42.50
546....Mitchell avenue	33.00
546....Renick	29.00
546....Sacramento	30.00
546....Monterey	28.70
546....Duncan	27.35
546....Doniphan avenue....	26.00
546....Jackson	27.35
546....Scott	28.70
546....Pacific	30.00
546....Sycamore	36.00
546....Hickory	42.00
546....South line of South St. Joseph addition...	50.50
546....Opposite south line lot 9, block 1, Lee and Hardman's addition..	57.00
546....50 ft. south of south line of Zimmerman's addition	65.00
546....Atchison	42.00

Thirteenth Street.

G. O. No.	Feet
755....Moss street	166.00
755....Highland avenue	150.00
755....Douglas	108.00
755....At alley north of Grand avenue	89.00
546....Grand avenue	76.00
546....Boyd	72.00
546....320 ft. south of Boyd.	67.00
546....Opposite Holman	96.00
546....Beattie	130.00
546....Highly	154.00
546....Lincoln	175.00
546....Alley between Lin- coln and Powell.....	177.00
546....Powell	174.00
546....Corby	171.00
546....Ridenbaugh	175.00
546....Henry (north side)...	161.00
546....Henry	163.50
546....Henry (south side)...	160.00
546....North line of Church..	137.00
546....South line of Church..	134.00
600....175 ft. north of Fred- erick avenue	113.00
546....Frederick avenue ...	100.00
546....Buchanan avenue	78.00
546....Faraon	80.00
546....Jules	96.00
546....Francis	102.00
546....Felix	107.00
546....Edmond	117.75
546....Half way between Ed- mond and Charles...	122.50
546....Charles	132.50
546....Sylvanie	160.00
783....Messanie, at center line Thirteenth and on south line of Mes- sanie	153.00
546....600 ft. north of the center of Patee.....	162.00
546....200 feet north of cen- ter of Patee.....	158.00
546....Patee	141.00
783....243 ft. north of north line of Olive	136.00
546....Olive	107.00

G. O. No.**Feet**

546....Lafayette	105.00
546....Seneca	85.00
546....Penn	51.00
546....Mitchell avenue	35.50
546....Renick	36.00
546....Sacramento	32.50
546....Monterey	32.00
546....Duncan	36.00
546....Doniphan avenue ...	34.00
546....Jackson	36.00
546....Scott	34.00
546....Pacific	36.00
546....Half way between Pa- cific and Sycamore...	44.00
546....Sycamore	47.00
546....Hickory	70.00

Fourteenth Street.

841....At a point 50 ft. south of north line of Ave- nue addition	135.00
841....At a point 300 ft. north of north line of Frederick avenue ...	133.00
546....Felix	131.00
546....Charles	136.00
546....Messanie	152.00
546....160 ft. south of Mes- sanie	156.00
614....Locust	147.00
614....260 ft. north of north line of Patee.....	138.50
546....Patee	125.00
546....Olive	122.00
546....Lafayette	108.00
546....Seneca	88.00
546....Penn	53.00
546....Mitchell avenue	37.00
546....Sacramento	35.00
546....Pacific	62.00
636....Sycamore	56.00
577....Hickory	88.00
645....Walnut	128.00
645....Oak	120.00
645....Cedar	80.00
645....Atchison	57.00

G. O. No.	Feet
Poplar Street.	
546....Duncan	105.00

Mt. Mora Road.

546....Entrance to cemetery.	134.50
546....600 ft. north of Fred- erick avenue	127.50
546....Frederick avenue ...	99.00

Fifteenth Street.

546....Grand avenue	90.00
546....Boyd	78.00
546....185 ft. north of Hol- man	72.00
546....Holman	82.50
546....Beattie	122.00
546....Highly	146.00
546....Section line 180 ft. north of Faraon	92.00
546....Faraon	98.00
546....Jules	131.00
546....Francis	152.00
546....Felix	163.00
546....Edmond	166.00
546....Charles	163.00
546....Sylvanie	165.00
546....Half way between Syl- vanie and Angelique ..	166.00
546....Angelique	159.00
546....Messanie	137.00
546....Locust	138.50
546....120 feet south of Lo- cust	135.00
546....Patee	108.00
546....Olive	90.00
546....Lafayette	88.00
546....Seneca	70.00
546....Penn	48.00
546....Mitchell avenue.....	37.50
546....Sacramento	43.00
546....Pacific	76.00
645....Alley between Pacific and Sycamore	70.00
645....Sycamore	72.00
645....Hickory	110.00
645....Walnut	146.00

G. O. No.	Feet
756....150 feet south of Wal- nut	159.50
645....Oak	125.00
645....Cedar	84.00
645....Atchison	90.00

Landis or Fifteenth Street.

546....Alley between Buch- anan avenue and Frederick avenue ...	85.00
546....Buchanan avenue ...	86.00

Sixteenth Street.

546....Grand avenue	110.00
546....Boyd	105.00
546....250 feet north of Hol- man	88.00
546....Holman	85.00
546....Beattie	110.00
546....Highly	132.00
546....Frederick avenue at Mt. Mora road.....	99.00
546....Section line 180 feet north of Faraon.....	120.00
546....Faraon	118.00
546....Jules	117.75
546....Francis	133.75
546....Felix	158.00
546....Edmond	177.50
546....Charles	162.00
546....Sylvanie	146.00
546....Angelique	140.00
546....Messanie	124.00
546....Locust	115.00
546....Patee	95.00
546....Olive	64.00
546....Lafayette	61.00
546....Seneca	50.00
546....Penn	43.00
546....Mitchell avenue	46.00
546....Sacramento	54.00
546....Duncan	127.50
546....400 feet south of Dun- can	157.50
546....600 feet south of Dun- can	152.50

Sixteenth Street—Cont'd.

G. O. No.	Feet
546....800 feet south of Dun-	
can	140.00
546....Pacific	80.50
546....Alley between Pacific	
and Sycamore	78.00
546....Sycamore	88.00
803....Hickory	126.00
707....Walnut	167.00
809....150 feet south of Wal-	
nut	176.00
645....Oak	138.00
645....160 feet north of	
Cedar	115.00
645....Cedar	110.00
645....Half way between	
Cedar and Atchison ..	118.00
645....Atchison	110.00
546....Garfield	43.00

Hull Street or Sixteenth.

546....Alley between Buch-	
anan and Frederick	
avenue	91.00
546....Buchanan avenue ...	94.00

Linwood Avenue.

546....Center	52.00
546....Commercial	43.50

Seventeenth Street.

546....Grand avenue	136.00
546....Boyd	112.00
546....320 feet north of Hol-	
man	90.00
546....Holman	87.50
546....Alley between Beattie	
Holman	92.00
546....Beattie	106.00
546....Highly	129.00
546....Jones	148.00
546....Alley between Jones	
and Howard	143.00
546....Howard	133.00
546....Colhoun	110.00

G. O. No.**Feet**

861....Alley between Fred-	
erick avenue and Col-	
houn	103.00
546....Union	100.00
546....Frederick avenue ...	96.00
546....Section line	147.50
546....Faraon	149.00
546....Jules	139.00
546....Francis	148.00
546....Felix	153.00
546....Edmond	163.00
546....Charles	167.00
546....Sylvanie	160.00
546....Angelique	137.00
546....Messanie	107.50
546....Locust	102.50
546....Patee	78.00
546....Olive	61.00
546....Lafayette	51.00
546....Seneca	46.00
546....Penn	43.00
546....Mitchell avenue	65.00
546....Sacramento	74.00
728....Monterey	80.00
728....Duncan	114.00
827....At alley on north line	
of Geiwitz subdivis-	
ion	107.00
827....At a point 330 feet	
north of north line of	
lot 31, Geiwitz subdivi-	
sion	131.00
591....Pacific	84.00
645....Alley between Pacific	
and Sycamore	83.00
645....Sycamore	94.00
645....Hickory	130.00
645....120 feet north of Wal-	
nut	155.00
707....Walnut	167.00
645....Oak	136.00
645....Cedar	114.00
645....Atchison	96.00
Eighteenth Street.	
748....Grand avenue	138.00
546....Boyd	114.00
546....200 feet south of Boyd	94.00

Eighteenth Street—Cont'd.

G. O. No.	Feet
546....320 feet north of Holman	92.00
546....Holman	90.00
546....Beattie	110.00
546....Alley between Highly and Beattie	118.50
546....Highly	131.00
546....Jones	145.00
546....Alley between Jones and Howard	144.00
546....Howard	137.00
546....Colhoun	106.00
546....Frederick avenue	105.00
546....Mulberry	124.00
546....Section line 180 feet north of north line of Faraon	149.00
546....Faraon	166.00
546....120 feet north of north line of Jules	168.00
546....Jules	165.00
546....120 feet north of north line of Francis	167.50
546....Francis	166.50
546....Felix	148.00
546....Edmond	134.00
546....Charles	132.00
546....Sylvanie	135.00
546....Angelique	132.50
546....Messanie	99.00
546....160 feet south of south line of Messanie.....	83.00
546....Locust	77.00
546....Patee	61.00
546....Olive	54.00
546....Lafayette	48.00
546....Seneca	44.50
546....Penn	48.00
546....Mitchell avenue	84.00
546....Sacramento	104.00
546....Monterey	106.00
546....Duncan	144.00
546....Pacific, west	103.00
546....Pacific, east	109.00
546....Sycamore	100.00
546....Hickory	134.00

G. O. No.	Feet
645....70 feet north of Walnut	162.00
707....Walnut	171.00
645....Oak	130.00
645....Cedar	99.00
645....Atchison	83.00
546....Belle	61.00
546....Center	52.00
546....Garfield avenue, east.	39.50
546....Commercial	46.80

Hallack Street.

546....East center line and alley between Clay and Union	150.00
546....120 feet north of Clay.....	153.00

Nineteenth Street.

748....160 feet north of Grand avenue	131.00
748....Grand avenue	112.00
748....Boyd	104.00
792....Holman	94.00
546....Beattie	125.00
546....Highly	159.00
546....Alley between Highly and Jones	163.00
546....Jones	154.00
546....Howard	126.00
546....Alley between Howard and Frederick avenue	116.00
546....Frederick avenue	112.00
546....Union	132.00
546....110 feet north of north line of Clay	163.00
546....Alley between Union and Clay	160.00
546....Clay	158.00
861....Alley between Clay and Mulberry	137.00
546....Mulberry	127.50
861....Alley between Mulberry and Faraon	132.00
546....Faraon	142.50
546....Jules	163.00
546....Francis	169.00

Nineteenth Street—Cont'd.

G. O. No.	Feet
546... Felix	164.00
546... Edmond	142.00
546... Charles	123.00
546... Sylvanie	107.00
546... Angelique	104.00
546... Messanie	86.00
546... Alley 160 feet south of Messanie	76.00
546... Mary	62.00
546... Olive	52.00
546... Lafayette	47.00
546... Seneca	74.00
546... Penn	76.00
546... Mitchell avenue	88.00
546... Sacramento	134.00
546... Monterey	124.00
546... Duncan	158.00
546... Pacific	117.00
546... Belle	67.00
546... 175 feet north of Com- mercial	62.00
546... Commercial ..	48.00
667... Chicago, Rock Island & Pacific Ry. Track..	42.50
546... Garfield avenue, east.	40.50

Bon Ton Street.

546... 200 feet north of north line of Clay.....	160.00
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Warsaw avenue.

546... Mary	72.00
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Twentieth Street.

546... Highland avenue	135.00
546... Douglas	120.00
546... Grand avenue	105.00
546... Boyd	100.00
546... James	115.00
546... Holman	120.00
546... Alley between Hol- man and Beattie....	134.00
546... Beattie	140.00

G. O. No.	Feet
546... Alley between Beattie and Highly	144.00
546... Highly	155.00
546... Alley between Highly and Jones	157.00
546... Jones	143.00
546... Howard	120.00
546... Frederick avenue, west	117.00
546... Frederick avenue, east	121.00
546... Colhoun	122.00
546... Union	155.00
837... 150 feet north of north line of Clay.....	175.00
546... Clay	172.00
837... 192.5 feet north of south line of Clay....	159.00
546... Mulberry	162.50
546... Twentieth, south, at section line north of Faraon	161.00
546... Twentieth, north, at section line north of Faraon	175.00
546... Faraon	158.00
546... Jules	160.75
546... Francis	163.00
546... Felix	148.00
546... Edmond	150.00
546... Charles	148.00
546... Sylvanie	134.00
546... Angelique	118.00
546... Messanie	96.00
546... Mary	70.00
546... Olive	48.00
546... Lafayette	53.00
546... Seneca	70.00
546... Penn	98.00
546... Mitchell avenue	110.00
546... Sacramento	153.00
546... Monterey	164.00
546... Duncan	178.00
546... Doniphan avenue	180.00
546... Jackson	174.00
546... Scott	162.00
546... Pacific	134.00
546... Belle	90.00

Twenty-first Street.

G. O. No.	Feet
546...Mulberry	170.00
546...Alley north of Faraon.	172.50
546...Faraon	167.00
546...Jules	146.00
546...Francis	137.00
546...Felix	120.00
546...Edmond	118.00
546...Charles	117.00
546...Sylvanie	114.00
546...Angelique	100.00
546...Messanie	74.00
546...Mary	56.00
546...C., B. & Q. crossing.	50.50
546...Olive	52.00
546...Lafayette	57.00
546...Seneca	64.00
546...Penn	84.00
546...Belle	74.00
798...Garfield avenue	57.00
797...Pear	61.00
797...Alley between Pear and Pine	74.00
797...Pine	79.00
797...Spring	47.00

Twenty-second Street.

811...At the center line of Lover's Lane.....	220.00
811...At a point 700 feet north of north line of State	202.00
811...At a point 400 feet north of north line of State	183.00
811...At alley north of State	161.00
770...Marion	155.00
770...Watson	153.00
770...Long	151.00
770...Moss	143.00
770...Highland avenue	128.00
770...Douglas	116.00
546...Grand avenue	120.00
770...Boyd	138.00
770...James	146.00
770...Holman	156.00

G. O. No.	Feet
546...Beattie	150.00
546...Highly	142.00
546...Jones	132.00
546...Frederick avenue	139.00
546...Colhoun	140.00
546...Union	153.00
546...Clay	172.00
546...Mulberry	162.50
546...Section line at alley north of Faraon.....	164.00
546...Faraon	165.00
546...Jules	152.00
546...Francis	134.00
546...Felix	130.00
546...Edmond	120.00
779...Charles	102.00
546...Sylvanie	97.00
546...Angelique	80.00
546...Messanie	70.00
546...Locust	62.00
546...Mary	58.00
546...C., B. & Q. R. R. cross- ing	54.50
546...Olive	56.00
546...Lafayette	62.00
546...Seneca	70.00
546...Penn	74.00
546...Mitchell avenue	105.00
746...Sacramento	130.00
746...Monterey	148.00
546...Duncan	172.00
546...Jackson	145.00
546...120 feet south of Jack- son	136.00
546...Scott	134.00
546...Pacific	129.00
546...410 feet south of Pa- cific	124.00
546...610 feet south of Pa- cific	128.00
738...1010 feet south of south line of Pacific..	151.00
738...1430 feet south of south line of Pacific..	138.00
738...1630 feet south of south line of Pacific..	140.00
738...2100 feet south of south line of Pacific	148.00

Twenty-second Street—Cont'd.

G. O. No.	Feet
738....Intersection of Twen- ty-second with Atchi- son produced from west	103.00
738....Belle street at Grat- tan road.....	65.00
738....200 feet south of Grat- tan road (or Belle)...	56.00
738....Commercial	50.00
738....C., R. I. & P. R. R....	51.00
738....Spring	55.00
738....Pine	82.00
738....Pear	71.00
546....Garfield avenue	52.00
546....180 feet north of south city limits	49.50
546....90 feet north of south city limits	47.00
546....South city limits	46.50

Twenty-third Street.

765....At intersection of Highly	146.00
765....At alley between Jones and Highly....	152.00
546....Jones and Frederick avenue	155.00
546....Colhoun	148.00
546....Union	176.00
546....Clay	165.00
546....Mulberry	144.00
683....South line of St. Joseph Eastern Exten- sion addition	138.00
546....Olive	62.00
546....Lafayette	68.00
546....Seneca	82.00
546....Penn	86.00
546....Mitchell avenue	108.50
746....At a point 100 feet north of north line of Sacramento	111.50
746....Sacramento	126.00

Twenty-fourth Street.

G. O. No.	Feet
546....Frederick avenue ...	168.00
546....Jones	180.00
546....Colhoun	164.00
546....Union	184.00
546....Clay	175.00
546....Mulberry	156.00
546....Faraon	124.00
546....Jules	118.00
546....Francis	114.00
546....Felix	110.00
546....Edmond	108.00
546....Charles	94.00
546....Sylvanie	82.00
546....Angelique	76.00
546....Messanie	65.00
586....Mary	61.00
546....Patee	68.00
546....Olive	80.00
546....Lafayette	76.00
546....Seneca	78.00
546....Penn	90.00
546....Mitchell avenue	125.00
746....At a point 300 feet north of the north line of Sacramento	127.00
746....Sacramento	124.00
746....Monterey	132.00
546....Duncan, west	162.00
546....Duncan, east	161.00
546....Doniphan avenue ...	174.00
546....Jackson	176.00

Twenty-fifth Street.

546....Frederick avenue ...	174.00
546....Jones	180.00
546....Colhoun	174.00
546....Union	170.00
546....Clay	150.00
546....Mulberry	160.00
546....Faraon	140.00
546....Jules	126.00
546....Francis	120.00
546....Felix	104.00
546....Edmond	96.00
546....Charles	84.00
546....Sylvanie	76.00

Twenty-fifth Street—Cont'd.

G. O. No.	Feet
546....Angelique	68.00
546....Messanie	62.00
546....Mitchell avenue	107.50
746....Sacramento	144.00
746....Monterey	161.00
546....Duncan	178.00

Twenty-sixth Street.

688....Osage	180.00
546....Delaware	196.00
662....State	178.00
662....Folsom	190.00
546....Frederick avenue	176.00
546....Jones	162.00
546....Colhoun	144.00
546....Union	140.00
546....Clay	124.00
546....Mulberry, west	134.00
546....Faraon	126.00
665....Francis	144.00
665....Felix	133.00
665....Edmond	123.00
665....Charles	100.00
665....Sylvanie	94.00
665....Angelique	72.00
546....Messanie, west	60.00
546....Messanie, east	61.50
586....Mary	70.00
546....Patee	72.00
819....At alley between Pa- tee and Olive.....	76.00
546....Olive	84.00
546....Lafayette	98.00
546....Seneca	106.00
546....Penn	100.00
546....Mitchell avenue	106.00
818....Renick	109.00
818....Sacramento	122.00
818....Monterey	142.00
818....Duncan	163.00

Snelson Street, or 26½ Street.

818....Snelson street, with Renick	112.00
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G. O. No.**Feet**

818....Snelson street, with Sacramento	115.00
818....Snelson street, with Monterey	120.00

Twenty-seventh Street.

546....Delaware	180.00
662....Folsom	199.00
688....Osage	170.00
546....Faraon	94.00
546....Jules	102.00
665....Francis	110.00
665....Felix	94.00
665....Edmond	87.00
665....Charles	75.00
665....Sylvanie	68.00
665....Angelique	66.00
546....Messanie, west	63.00
546....Messanie, east	64.00
654....Locust	90.00
586....Mary	116.00
546....Patee	100.50
546....Olive	103.00
546....Lafayette	114.00
546....Seneca	120.00
546....Penn	126.00
546....Mitchell avenue	143.00
818....Renick	137.00
818....Sacramento	131.00
818....Monterey	125.00
818....Duncan	129.00
546....Jackson	167.00
546....Pacific	183.00

Twenty-eighth Street.

546....Frederick avenue	178.00
546....Faraon	90.00
546....Jules	82.00
665....Francis	76.00
665....Felix	73.00
665....Edmond	72.00
665....Charles	71.00
665....Sylvanie	70.00
665....Angelique	69.00
546....Messanie	68.00
654....100 feet south of south line of Messanie.....	69.00

Twenty-eighth Street—Cont'd.

G. O. No.	Feet
654....Mary	102.00
654....Locust	78.00
546....Patee	128.00
546....Olive	140.00
546....Alley between Olive and Lafayette	144.50
546....Lafayette	136.00
546....Seneca	154.00
546....Penn	158.00
546....Mitchell avenue	162.00
818....Renick	176.00
818....Sacramento	154.00
818....Monterey	139.00
818....Duncan	150.00
546....Doniphan	171.00
546....Alley between Doni- phan avenue and Jackson	177.00
546....Jackson	176.00

Twenty-ninth Street.

744.... $\frac{1}{4}$ section line north of Faraon	84.50
744....Faraon	83.00
744....Alley between Jules and Faraon	82.00
744....Jules	88.00
744....Francis	93.00
744....Felix	95.00
744....Edmond	97.00
744....Charles	110.00
744....Sylvanie	118.00
744....Alley between Syl- vanie and Angelique	116.00
744....Angelique	108.00
744....Messanie	88.00
784....Mary	72.00
784....Patee	82.00
784....Olive	93.00
784....Lafayette	108.00
784....Seneca	116.00
784....Penn	124.00

Thirtieth Street.

744....Quarter section line north of Faraon	87.00
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G. O. No.**Feet**

744....Faraon	97.00
840....Jules	116.00
744....Alley between Francis and Jules	128.00
744....Francis	131.00
744....Felix	124.00
744....Edmond	120.00
744....Charles	142.00
744....At alley between Syl- vanie and Charles	146.00
744....Sylvanie	144.00
744....Angelique	129.00
744....Messanie, west	110.00
784....Olive	102.00
784....Lafayette	126.00
784....Seneca	149.00
784....Penn	166.00

Thirty-first Street.

744....Felix	154.00
744....Edmond	150.00
784....Olive	96.00
784....Lafayette	109.00
784....Seneca	114.00
784....Penn	126.00

Thirty-second Street.

784....Olive	123.00
784....Lafayette	126.00

Thirty-third Street.

869....Lafayette	159.00
869....Seneca	171.00
869....Penn	181.00
869....Mitchell avenue	174.00

Thirty-fourth Street.

869....Seneca	170.00
869....Penn	187.00
869....Mitchell avenue	200.00

Bartlett Street.

546....Monterey	9.00
546....Duncan	8.50
546....Doniphan avenue	9.00

Bartlett Street—Cont'd.

G. O. No.	Feet
546....Jackson	8.50
546....Scott	8.00
546....Pacific	7.50
546....Maple	8.00
546....Sycamore	9.50
546....Hickory	10.75
546....Walnut	11.50
546....Oak	12.50
546....Cedar	12.00

Bellevue Street.

546....City limits	186.00
546....Rosine	180.00
546....Isabelle	150.00
546....Auguste	154.00
546....Poulin	150.00
546....Franklin	140.00
546....Louis	130.00
546....Michel	120.00
546....Antoine	100.00
546....Isidore	70.00

Bon Ton Street.

546....200 feet north of north line of Clay.....	160.00
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Catawba Street.

546....Broadway	164.00
546....Madison	134.00
546....Monroe	105.00
546....Concord avenue	85.00
546....Hamburg avenue	80.00
546....Shady avenue	76.00

Clark Street.

546....Broadway	76.00
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Dearborn Street.

546....Broadway	94.00
546....Madison	78.00

Diana Street.

546....Broadway	200.00
546....Madison	165.00

G. O. No.**Feet**

546....Monroe	135.00
546....Concord avenue	110.00
546....Hamburg avenue	106.00
546....Alley between Shady avenue and Hamburg avenue	108.00
546....Shady avenue	102.00

Elwood Street.

546....North city limits....	170.00
546....Rosine	175.00
546....Isabelle	182.00
546....Auguste	189.00
546....Poulin	186.00

Grape Street.

546....Broadway	204.00
546....Alley between Madi- son and Broadway...	212.00
546....Madison	195.00
546....Monroe	162.00
546....Concord avenue....	138.00
546....Hamburg avenue....	140.00
546....Shady avenue.....	124.00

Hallack Street.

546....East center line and alley between clay and Union	150.00
546....120 feet north of Clay	153.00

Hull Street or Sixteenth.

546....Alley between Buch- anan and Frederick avenue	91.00
546....Buchanan avenue....	94.00

Landis or Fifteenth Street.

546....Alley between Buch- anan avenue and Frederick avenue	85.00
546....Buchanan avenue....	86.00

Levee Street or Dewey Avenue.

G. O. No.	Feet
546....City limits	170.00
546....Highland avenue	158.00
546....Dolman	160.00
546....St. Paul	146.00
546....Market	156.00
546....Chestnut	170.00
546....Linn	178.00
546....Cherry	165.00
546....Section line 165 feet north of north line of Rosine	173.00
546....Eighty feet north of north line of Rosine..	178.50
546....Rosine	176.50
546....Isabelle	163.00
546....Half way between Isa- belle and Auguste...	155.00
546....Auguste	140.00
546....Poulin	100.00
546....Franklin	76.00
546....Michel	80.00
546....Half way between Michel and Louis....	83.00
704....Louis	76.00
546....Antoine	64.00
546....Isidore	55.00
546....Robidoux	38.00
546....Faraon	25.00
546....Jules	13.00
546....Francis	3.00

Linwood Avenue.

546....Center	52.00
546....Commercial	43.50

Main Street.

546....City limits	210.00
546....Highland avenue	190.00
546....Dolman	180.00
546....St. Paul	154.00
546....Market	125.00
546....Chestnut	130.00
546....Linn	142.00
546....Cherry	130.00
546....Rosine	136.00
546....Isabelle	122.00

G. O. No.	Feet
546....Auguste	108.00
546....Poulin	104.00
546....North line of Frank- lin	69.00
546....Franklin	66.00
546....Michel	50.00
546....Louis	40.00
546....Antoine	33.00
546....Isidore	26.50
546....Robidoux	26.00
546....Faraon	29.00
546....Jules	31.50
546....Francis	24.50
546....Felix	18.00

Mt. Mora Road.

546....Entrance to cemetery.	134.50
546....600 feet north of Fred- erick avenue	127.50
546....Frederick avenue ...	99.00

Poplar Street.

546....Duncan	105.00
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Snelson or 26½ Street.

818....Snelson street, with Renick	112.00
818....Snelson street, with Sacramento	115.00
818....Snelson street, with Monterey	120.00

Spruce Street

546....Broadway	128.00
546....Madison	103.00
546....Monroe	81.00

Vine Street.

546....Locust	102.00
546....Patee	91.00
546....Olive	68.50
546....Lafayette	56.00
546....Seneca	48.00

Water Street.

G. O. No.	Feet
546....Highland avenue	126.00
546....Dolman	156.00
546....St. Paul	180.00
546....Market	166.00
546....Chestnut	145.00
546....Linn	182.00
546....Cherry	174.00
546....Section line	171.00
546....Rosine	152.00
546....Isabelle	135.00
546....Auguste	114.00
546....Poulin	108.00
546....Franklin	123.00
546....Michel	148.00
546....Louis	143.00
546....Antoine	136.00
546....Isidore	116.00
546....Robidoux	75.00
546....Faraon	35.00

Warsaw Avenue.

546....Mary	72.00
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Albemarle Street.

677....Alley between Third and Fourth	51.50
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Angelique Street.

546....Alley between Twelfth and Thir- teenth	183.00
546....Alley between Fif- teenth and Sixteenth.	155.00
546....Alley between Six- teenth and Seven- teenth	128.00
546....150 feet west of west line of Twenty-fourth.	84.00
744....At a point 305 feet east of the east line of Twenty-eighth.....	92.00

Antoine Street.

546....Alley between Second and Third street	31.00
546....Alley between Fifth and Sixth	136.00

Ashland Avenue.

G. O. No.	Feet
546....East city limits.....	196.00
679....Osage	192.00
679....200 feet north of north line of Delaware.....	193.30
546....Delaware	198.00
546....Folsom	208.00
546....State	198.00
546....Frederick avenue ...	191.00

Atchison Street.

645....At alley between Fif- teenth and Sixteenth.	104.00
645....At alley between Six- teenth and Seven- teenth	108.00
645....At alley between Sev- enteenth and Eigh- teenth	94.00
645....At alley between Eighteenth and Nine- teenth	78.00

Auguste Street.

546....Alley between Second and Third	43.00
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Beattie Street.

546....120 feet west of the west line of Twen- tieth	128.00
546....160 feet west of Twenty-second	160.00

Belle Street.

546....Alley between Eigh- teenth and Nine- teenth	63.00
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Boyd Street.

764....Alley in Boyd street between 20th and 22d	130.00
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Broadway Street.

G. O. No.	Feet
546....Alley between Diana and Grape	210.00

Buchanan Avenue.

546....Landis or Fifteenth street	86.00
546....Hull (Sixteenth).....	94.00
546....200 feet east of Hull or Sixteenth	99.00
546....East line of Landis & Hull's addition....	104.00

Cedar Street.

645....At alley between Six- teenth and Seven- teenth streets	120.00
645....At alley between Sev- enteenth and Eigh- teenth	111.00
645....At alley between Eighteenth and Nine- teenth	95.00

Center Street

546....Alley between Lin- wood avenue and Eighteenth	55.00
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Charles Street.

546....100 feet east of Elev- enth	153.00
546....150 feet east of Elev- enth	153.00
546....Alley between Fif- teenth and Sixteenth..	168.00
546....Alley between Eigh- teenth and Nine- teenth	122.00
779....Half way between Twenty-first and Twenty-second	106.50
608....200 feet east of the east line of Twenty- second	112.50
546....350 feet east of Twenty-second	116.00

G. O. No.	Feet
665....160 feet east of Twenty-sixth	97.00
744....305 feet east of Twenty-eighth	81.00
744....300 feet east of Twenty-ninth	136.00

Cherry Street.

546....Alley between Water and Levee or Dewey avenue	184.00
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Church Street.

546....Alley between Tenth and Eleventh	142.00
546....West alley in block 31, Improvement ad- dition	167.00
546....East alley in Block 31, Improvement ad- dition	162.00

Clay Street.

546....West line of Kemper's addition	107.00
546....450 feet east of west line of Kemper's ad- dition	152.00
546....Half way between Twentieth and Twenty-second	176.00
546....Alley between Twen- ty-second and Twen- ty-third	160.00
546....Alley between Twen- ty-fifth and Twenty- sixth	134.00

Colhoun Street.

546....Alley between Twen- ty-third and Twenty- fourth	152.00
546....Alley between Twen- ty-fourth and Twenty- fifth	176.00
546....Alley east of Twenty- fifth	150.00

Commercial Street.

G. O. No.	Feet
546....Alley between Eighth and Ninth	47.40

Corby Street.

546....350 feet west of Ninth	106.00
867....40 feet east of Ninth	154.00
867....125 feet east of Ninth	157.00

Delaware Street.

546....Alley east of Twenty-sixth	199.00
546....130 feet west of Roberts avenue or Twenty-seventh street	184.00
546....140 feet east of Roberts avenue or Twenty-seventh street	194.00
546....Alley west of Ashland avenue	196.00

Dolman Street.

752....At the alley between Second and Third	161.00
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Duncan Street.

546....150 feet east of Twentieth	181.00
546....210 feet east of Twenty-second	169.00
546....Opposite Twenty-third from the north	167.00
546....East line of Hall's addition	163.00
818....At a point 200 feet west of Twenty-seventh	134.00
546....East city limits	150.00

Edmond Street

G. O. No.	Feet
546....Alley between Twelfth and Thirteenth	116.00
546....130 feet east of Fifteenth	178.00
546....Half way between Nineteenth and Twentieth	151.00
546....280 feet east of Twenty-second	132.00
546....380 feet east of Twenty-second	134.00
665....200 feet east of Twenty-seventh	71.00
665....300 feet east of Twenty-eighth	80.00
744....405 feet east of Twenty-eighth	83.00
744....240 feet east of Twenty-ninth	112.00
744....300 feet east of Thirtieth	128.00
744....At Thirty-first	150.00

Faraon Street.

739....At alley between Main and Second streets	36.50
739....At alley between Second and Third	59.00
546....Alley between Eighth and Ninth	109.00
546....Section line east of Thirteenth	87.00
546....Alley between Fifteenth and Sixteenth	103.00
546....Half way between Twentieth and Twenty-first	166.00
546....265 feet east of Twenty-second	136.00
546....405 feet east of Twenty-second	130.00
753....200 feet east of Twenty-fifth street	143.00
744....300 feet east of Twenty-ninth street	85.00

Felix Street.

G. O. No.	Feet
546....Alley between Sixth and Seventh	61.00
546....Alley between Ninth and Tenth	67.00
546....Alley between Twelfth and Thirteenth	95.50
546....Alley between Fifteenth and Sixteenth.	167.00
546....Alley between Sixteenth and Seventeenth	146.00
546....Alley between Seventeenth and Eighteenth	158.00
546....Half way between Nineteenth and Twentieth	163.00
546....180 feet east of Twenty-second	140.00
546....260 feet east of Twenty-second	142.00
546....320 feet east of Twenty-second	140.00
665....270 feet east of Twenty-fifth	126.00
665....200 feet east of Twenty-seventh	79.00
744....300 feet east of Twenty-ninth	104.00
744....250 feet east of Thirtieth	141.00
744....At Thirty-first	154.00

Fillmore Street.

546....Alley east of St. Joseph avenue	47.00
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Folsom Street

662....Roberts avenue or Twenty-seventh	199.00
662....At the first alley west of Ashland avenue ..	210.00

Francis Street.

G. O. No.	Feet
546....Alley between Seventh and Eighth.....	70.00
546....Alley between Twelfth and Thirteenth ..	88.00
546....Section line east of Thirteenth	123.00
546....Alley between Eighteenth and Nineteenth	170.00
546....200 feet east of Twenty-second	140.00
546....280 feet east of Twenty-second	138.00
665....270 feet east of Twenty-fifth	140.00
665....160 feet east of Twenty-sixth	138.00
665....250 feet east of Twenty-seventh	86.00
665....300 feet east of Twenty-eighth	80.00
744....295 feet east of Twenty-eighth	77.50
744....300 feet east of Twenty-ninth	120.00

Frederick Avenue.

604....270 feet west of Twenty-eighth street.....	180.00
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Grand Avenue.

748....150 feet west of Eighteenth street	140.00
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Garfield Avenue.

546....900 feet southeast of Eleventh	42.00
546....1140 feet southeast of Eleventh	49.00
546....1400 feet southeast of Eleventh	48.00
546....Sixteenth	43.00
546....Commercial	42.50

Garfield Avenue—Cont'd.

G. O. No.	Feet
546....South line of right-of-way of C., R. I. & P. R. R.	38.00
546....160 feet west of Eighteenth street, north..	38.75
546....West line of Connett Place	54.00

Hall Street

546....Opposite southeast corner of Hogan's lot.	156.00
546....216 feet west of Ninth.	160.00

Henry Street.

546....168 feet west of Twelfth street	167.00
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Highly Street.

546....100 feet west of Nineteenth street	162.00
546....Half way between Twenty and Twenty-second	160.00

Isabelle Street.

546....Alley between Water and Levee or Dewey avenue	150.00
546....Alley between Second and Third	51.00

Isidore Street.

546....Alley between Main and Second streets ..	28.00
546....Intersection of east alley in block 31. St. Joseph Improvement addition	138.00

Jackson Street.

546....220 feet east of Twenty-fourth	183.00
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G. O. No.**Feet**

546....400 feet east of Twenty-fourth	180.00
546....960 feet east of Twenty-fourth	164.00
546....1105 feet east of Twenty-fourth	160.00
546....250 feet east of Twenty-seventh	177.00
546....East city limits	153.00

Jones Street.

546....150 feet east of Eighteenth	151.00
546....Half way between Nineteenth and Twentieth	155.00
808....Alley between Twenty-fourth and Twenty-fifth	190.00
546....Alley east of Twenty-fifth	160.00

Jules Street.

546....Alley between Fourth and Fifth	86.50
546....Alley between Seventh and Eighth.....	98.00
546....Alley between Twelfth and Thirteenth	83.00
546....Section line 140 feet east of Thirteenth...	108.50
546....Alley between Eighteenth and Nineteenth	169.00
676....150 feet east of Nineteenth	156.00
546....270 feet east of Twenty-fifth	140.00
546....480 feet east of Twenty-fifth	130.00
546....990 feet east of Twenty-fifth	102.00
546....1210 feet east of Twenty-fifth	90.00
744....295 feet east of Twenty-eighth	79.50

Lafayette Street.

G. O. No.	Feet
546....Alley between Tenth and Eleventh	27.00
546....140 feet east of Thir- teenth	118.00
546....300 feet east of Twen- ty-sixth	102.00
546....140 feet west of west line of Twenty-eighth.	135.00
546....50 feet west of west line of Twenty-eighth.	137.50
784....Twenty-ninth	108.00
784....400 feet east of Twen- ty-ninth	123.00
784....Thirtieth	126.00
784....400 feet east of Thir- tieth	119.00
784....Thirty-first	109.00
784....Thirty-second	126.00

Lincoln Street.

622....Alley between Sev- enth and Eighth.....	101.50
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Linn Street.

546....Alley between Levee or Dewey avenue and Water	190.00
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Market Street.

754....Alley between Third and Washington ave- nue	109.00
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Mary Street.

586....150 feet east of Twen- ty-seventh	118.00
586....280 feet east of Twen- ty-seventh	116.00
784....150 feet east of east line of Twenty-eighth.	84.00
784....300 feet east of east line of Twenty-eighth.	76.00
784....Twenty-ninth street..	72.00

Messanie Street.

G. O. No.	Feet
546....Alley between Ninth and Tenth.....	46.00
546....260 feet east of Twelfth	161.00
546....Alley between Seven- teenth and Eigh- teenth	102.00
744....305 feet east of east line of Twenty-eighth street	81.00

Middleton Street.

668....275 feet east of the east line of St. Joseph avenue	38.00
668....335 feet east of the east line of St. Joseph avenue	40.00

Mitchell Avenue.

546....Half way between Thirteenth and Four- teenth	39.00
546....Half way between Fourteenth and Fif- teenth	38.50
546....Alley between Fif- teenth and Sixteenth.	39.00
546....Alley between Twen- ty-second and Twenty- third	98.50

Moss Street.

836....120 feet west of west line of Seventh.....	104.00
836....At west line of Hardin Place	106.00

Mulberry Street.

546....Alley between Twen- ty-second and Twenty- third	148.00
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Mulberry Street—Cont'd.

G. O. No.	Feet
546....Alley between Twen- ty-third and Twenty- fourth	152.00
546....Alley between Twen- ty-fifth and Twenty- sixth	146.00

Oak Street.

645....At alley between Four- teenth and Fifteenth.	134.00
645....At alley between Six- teenth and Seven- teenth	142.00
645....At alley between Sev- enteenth and Eigh- teenth	138.00

Olive Street.

546....Alley between Tenth and Eleventh	33.50
546....160 feet east of Thir- teenth	124.00
546....280 feet east of Twen- ty-fourth street	88.00
546....250 feet east of Twen- ty-sixth	88.00
784....450 feet east of east line of Twenty-eighth.	101.00
784....Twenty-ninth	93.00
784....350 feet east of Twen- ty-ninth	114.00
784....Thirtieth	102.00
784....Thirty-first	96.00
784....300 feet east of east line of Thirty-first....	109.00
784....Thirty-second	123.00

Pacific Street.

546....30 foot street between Tapee's and Madinger addition	126.00
546....400 feet east of Twen- ty-second	149.00
546....1350 feet east of Twenty-second	151.00

G. O. No.**Feet**

546....Frazer's Lane	152.00
546....300 feet east of Fra- zer's lane	169.00

Patee Street.

546....Alley between Ninth and Tenth	22.00
546....Alley between Tenth and Eleventh	37.50
546....200 feet east of Twen- ty-sixth	79.00
546....180 feet west of Twen- ty-eighth	133.00
546....120 feet west of Twen- ty-eighth	136.00
546....60 feet west of Twen- ty-eighth	134.00
784....200 feet east of east line of Twenty-eighth.	116.00
784....400 feet east of east line of Twenty-eighth.	96.00
784....Twenty-ninth street..	82.00

Peach Tree Avenue.

800....At west line of Mc- Donald Heights	155.00
800....At a point 200 feet east of west line of McDonald Heights....	150.00
800....At the alley 120 feet west of west line of Seventh street	140.00

Pendleton Street.

546....235 feet west of Sev- enth	58.00
546....Half way between Seventh and Eighth..	96.00

Penn Street.

546....Alley between Elev- enth and Twelfth....	32.00
546....140 feet east of Thir- teenth	54.50
546....Half way between Thirteenth and Four- teenth	56.00

Penn Street—Cont'd.

G. O. No.	Feet
784....350 feet east of east line of Twenty-eighth.	130.00
784....Twenty-ninth	124.00
784....200 feet east of east line of Twenty-ninth.	146.00
784....450 feet east of east line of Twenty-ninth.	170.00
784....Thirtieth	166.00
784....300 feet east of east line of Thirtieth.....	131.00
784....Thirty-first	126.00
869....Opposite Division line between lots 18 and 19, block 5 Mason's Place	168.00

Powell Street.

546....Alley between Sixth and Seventh	74.00
546....160 feet west of Tenth	163.00

Ridenbaugh Street

546....120 feet east of Tenth.	137.00
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Robidoux Street.

546....Alley between Main and Second	31.00
546....Alley between Fourth and Fifth	115.00
546....Alley between Sixth and Seventh	95.00
546....Alley between Ninth and Tenth	120.00

Rosine Street.

546....Alley between Water and Levee or Dewey avenue	168.00
546....Alley between Second and Third	69.00

Sacramento Street.

G. O. No.	Feet
746....At alley between Twenty-third and Twenty-fourth	122.00
818....At a point 305 feet east of Twenty-sev- enth	150.00

Savannah Avenue.

546....Highland avenue	72.00
546....Fillmore	75.00
546....Jefferson	78.00
546....Woodson	72.50
546....Richardson	67.00
546....Pendleton	72.00
546....Middleton	61.20
546....Third	64.30

Seneca Street.

546....Alley 100 feet east of Thirteenth	98.00
546....300 feet east of Twen- ty-seventh	144.00
784....300 feet east of east line of Twenty- eighth	124.00
784....Twenty-ninth	116.00
784....400 feet east of east line of Twenty-ninth.	152.00
784....Thirtieth	149.00
784....400 feet east of east line of Thirtieth	123.00
784....Thirty-first	114.00
869....Opposite division line between lots 6 and 7, block 5, Mason's Place	154.00

State Street

662....240 feet east of Twen- ty-sixth street	180.00
662....At the first alley west of Ashland avenue...	199.00

St. Joseph Avenue.

G. O. No.	Feet
794....Center line section 32, T. 58, R. 35.....	96.00
794....Park avenue	88.00
794....Magnolia	85.50
794....At a point 250 feet north of north line of Garfield avenue	84.00
794....Roosevelt avenue....	82.00
794....Randolph	78.50
794....Logan	75.50
794....Green	73.50
546....Broadway	72.00
546....Madison	70.50
546....Monroe	69.00
546....Concord	67.20
546....Sixth avenue	66.80
546....Hamburg avenue	66.00
546....Fifth avenue	65.50
546....Shady avenue	64.60
546....Helena	64.00
546....Evalene	62.40
546....Parker street	60.80
546....North line of St. Joseph Extension ad- dition	60.00
546....Highland avenue	52.00
546....Fillmore	57.00
546....Half way between Fill- more and Jefferson ..	58.50
546....Jefferson	55.50
546....Woodson	48.75
546....Richardson	50.50
546....Pendleton	53.00
546....Middleton	49.50
546....Albemarle	46.00

St. Paul Street.

546....Alley between Second and Third	138.00
701....Alley between Third and Fourth	144.00

Sylvanie Street.

546....Alley between Twelfth and Thirteenth	168.00
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G. O. No.**Feet**

546....Section line 140 feet east of Thirteenth....	153.50
546....148 feet east of Thir- teenth	153.50
546....Alley between Four- teenth and Fifteenth..	152.00
546....Alley between Fif- teenth and Sixteenth..	161.00
546....350 feet east of Twen- ty-second	102.00
744....At 155 feet east of Twenty-eighth street.	76.00
744....300 feet east of Twen- ty-ninth	140.00

Union Street.

546....225 feet east of west line of Nineteenth....	137.00
546....Alley between Twen- ty-fourth and Twenty- fifth	180.00
546....Alley east of Twenty- fifth	154.00

Van Brunt Avenue.

800....50 feet east of west line of McDonald Heights	135.00
800....200 feet east of west line of McDonald Heights	139.00

Walnut Street.

645....At alley between Fourteenth and Fif- teenth	142.00
707....At alley between Six- teenth and Seven- teenth streets	170.00
743....At alley between Sev- enteenth and Eigh- teenth	173.00

Washington Avenue.

G. O. No.	Feet
546....Highland avenue....	95.00
546....Fillmore	93.00
546....Jefferson	103.00
546....Woodson	112.00
546....Richardson	98.00
546....Pendleton	88.00
546....Middleton and Third.	74.00

Woodson Street.

546....200 feet west of Eighth	50.00
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South St. Joseph.

North and South Streets.

Barbara or Second Street.

East of King Hill Avenue.

....Division	
Russell	
Clayton	
Nebraska	
824....Kansas	92.00
672....Missouri	81.00
695....At the alley between Missouri avenue and Colorado	83.00
672....Colorado avenue....	92.00
695....Blake	116.00
695....Lee	142.00
695....600 feet south of Blake street (west)...	172.00
695....Prindle	174.00
695....Fleeman	167.00
695....250 feet south of Flee- man	157.00
742....Haeberle	152.00

Carnegie Street.

West of King Hill Avenue.

733....Indiana	6.30
733....Massachusetts	7.30

G. O. No.

Feet

733....Michigan	9.00
733....Ohio	11.00
733....Virginia	12.50
....Kentucky	
....Alabama	

Cumberland Street.

East of King Hill Avenue.

....Alley between Ham- mond and Fleeman..	
735....Hammond	149.00
735....Alley between Ham- mond and Harvard..	159.00
735....Harvard	162.00
735....Yale	170.00

First Street or William Street.

East of King Hill Avenue.

....Nebraska	
....Kansas	
....Missouri	
....Colorado	
....Blake	
735....470 feet south of Blake	198.00
735....Prindle	201.00
735....Indiana	207.00
735....Fleeman	197.00
735....250 feet south of the south line of Flee- man	202.00
735....Haeberle	188.00
735....Harvard	187.00
735....Yale	171.00
735....Oberlin	152.00
735....Alley between Oberlin and Vassar	140.00
735....Vassar	122.00
735....At alley south of Vas- sar through block 6..	101.00
....Hyde Park avenue...	

Fourth Street

G. O. No.	Feet
East of King Hill Avenue.	
Alley north of Prindle....	
735....Prindle	176.00
735....Fleeman	124.00
735....Alley between Flee- man and Haeberle....	116.00
735....Haeberle	106.00

Gordon Avenue.

West of King Hill Avenue.

646....Cherokee	5.30
646....Illinois avenue.....	6.50
733....Indiana avenue	7.50
733....Massachusetts	9.00
733....Michigan	10.50
733....Ohio	12.00
733....Virginia	13.50

Grant Street.

West of King Hill Avenue.

733....Michigan	7.30
733....Ohio	9.50
733....Virginia	11.50
....Kentucky	
....Alabama	

King Hill Avenue.

699....Lake boulevard	39.00
699....950 feet westerly from west line of Sixth....	42.00
737....1750 feet westerly from west line of Sixth	51.00
737....2150 feet westerly from west line of Sixth	61.00
785....2350 feet westerly from west line of Sixth	66.00
785....2850 feet westerly from west line of Sixth	69.00
785....3050 feet westerly from west line of Sixth	67.00
694....Division	59.00

G. O. No.	Feet
694....Russell	55.00
694....Iowa avenue	53.00
694....Clayton	50.00
694....Nebraska (west from King Hill avenue)....	47.00
694....Nebraska (east from King Hill avenue)....	45.00
694....Kansas (west from King Hill avenue)....	43.00
694....Kansas (east from King Hill avenue)....	42.00
644....Missouri ave., west..	39.50
672....Missouri Ave., east...	38.50
670....Colorado avenue.....	34.50
670....Texas avenue	30.00
670....Arizona avenue	22.50
646....Cherokee street	18.00
657....Illinois avenue	22.50
670....Indiana avenue.....	31.00
670....Massachusetts ave- nue	34.00
670....Michigan avenue	44.00
801....Ohio	48.00
801....Virginia	46.00
801....Alabama	40.00

Lake Avenue.

West of King Hill Avenue.

....Nebraska avenue....	
Kansas avenue	
644....Missouri avenue.....	23.50
674....Colorado avenue.....	16.00
669....Texas avenue	10.50
669....Arizona avenue	7.50
669....Wyoming avenue	6.00
669....Dakota avenue	5.50
646....Cherokee	5.50
646....Illinois	6.00
733....Alley between Illinois avenue and Indiana..	6.50
733....Indiana	6.00
733....Alley between Indi- ana and Massachu- setts	6.50
733....Massachusetts	6.00
733....Michigan	7.00
733....Ohio	8.00
733....Virginia	9.00

Lookout Street.

G. O. No.	Feet
East of King Hill Avenue.	
735....Indiana	154.00
735....Fleeman	136.00
735....Hammond	102.00
735....Harvard	111.00
735....Yale	140.00
735....Oberlin	154.00
735....Vassar	128.00

Pryor Street.

West of King Hill Avenue.

Colorado	
....Texas	
....Arizona	
....Cherokee	
646....Illinois	8.00
733....Indiana	10.30
733....Massachusetts	12.50
733....Michigan	17.75
733....Ohio	21.00
....Virginia	
....Alabama	

Swift Avenue.

East of King Hill Avenue.

778....120 feet north of north line of Blake in alley through block 9, Widman	68.00
778....Blake	70.00
778....220 feet south of Blake	73.00
735....Cherokee	50.00
735....275 feet south of south line of Cherokee....	64.00
735....Indiana	60.00
735....Fleeman	70.00
735....Hammond	62.00

Third Street.

East of King Hill Avenue.

Alley north of Prindle

735....Prindle	184.00
735....Fleeman	129.00
735....Haeberle	111.00

EAST AND WEST STREETS.**Alabama Street.**

G O. No.	Feet
801....King Hill avenue....	40.00

Arizona Avenue.

670....King Hill avenue....	22.50
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Blake Street.

672....First or Williams....	110.00
695....Second or Barbara....	116.00
672....150 feet west of the west line of Miami....	123.00
672....Miami	125.00
672....Halsey	164.00
672....Sawyer	174.00

Cherokee Street.

West of King Hill Avenue.

646....King Hill avenue....	18.00
646....Pryor avenue	7.00
646....Gordon avenue....	5.30
646....Lake avenue....	5.50
646....At the C., R. I. & P. R. R. Co.'s easterly R. of W. line.....	6.50

Cherokee Street.

East of King Hill Avenue.

735....Swift avenue	50.00
Morris avenue	
Coy	

Clayton Street.

694....King Hill avenue....	50.00
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Colorado Avenue.

East of King Hill Avenue.

672....260 feet west of the west line of Williams.	70.00
672....170 feet west of the west line of Williams.	75.00
672....Williams	76.00

Colorado Avenue—Cont'd.

G. O. No.	Feet
672....Barbara	92.00
725....Miami	102.00
725....Fifth	127.00
725....East line of Buena Vista addition	157.00

Colorado Avenue.**West of King Hill Avenue.**

....Alley between King Hill and Pryor.....	
....Pryor	
....Lake avenue	
....East right of way line of the R. I. Ry.	

Division Street.

694....King Hill avenue....	59.00
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Fleeman Street.

735....Alley between First and Second	187.00
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Haeblerle Street.

735....Alley between First and Second	173.00
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Harvard Street.

735....Alley between King Hill avenue and Look-out	61.00
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Hammond Street.

735....Swift avenue.....	62.00
735....Lookout	102.00
735....Cumberland	149.00

Illinois Avenue.

657....King Hill avenue....	22.50
646....Pryor avenue	8.00
646....Gordon avenue	6.50
646....Lake avenue	6.00
646....At the C. R. I. & P. easterly of R. W. line.	7.00

Indiana Avenue.

G. O. No.	Feet
East of King Hill Avenue.	
735....Swift avenue	60.00
735....Lookout	154.00
735....First or William	207.00

Indiana Avenue.**West of King Hill Avenue.**

670....King Hill avenue....	31.00
733....Pryor avenue	10.30
733....Gordon avenue	7.50
733....Carnegie street	6.30
733....Lake avenue	6.00
....East R. of W. line of the C. R. I. & P. Ry..	

Iowa Street.

694....King Hill avenue....	53.00
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Kansas Avenue.**East of King Hill Avenue.**

694....King Hill avenue....	42.00
824....At alley between King Hill avenue and Williams street	48.00
824....Williams street	68.00
824....Barbara	92.00
824....At a point opposite a line between lots 9 and 10, block 1, Clark's addition.....	103.00
824....Miami	120.00
....Fifth	
....Sixth	

Kansas Avenue.**West of King Hill Avenue.**

694....King Hill avenue	43.00
....Alley between King Hill avenue and Lake avenue	

Massachusetts Street.

G. O. No.	Feet
670....King Hill avenue....	34.00
733....Pryor avenue	12.50
733....Gordon avenue	9.00
733....Carnegie	7.30
733....Lake avenue	6.00
....East R. of W. line of C., R. I. & P Ry.....	

Michigan Street.

670....King Hill avenue	44.00
733....Pryor avenue	17.75
733....Gordon avenue	10.50
733....Carnegie	9.00
733....Grant	7.30
733....Lake avenue	7.00
....East R. of W. line of C., R. I. & P. Ry....	

Missouri Avenue.**West of King Hill Avenue.**

644....King Hill avenue	39.50
644....Alley between Park avenue and King Hill avenue	34.00
644....Lake avenue	23.50
644....425 feet west of Lake avenue	12.00

Missouri Avenue.**East of King Hill Avenue.**

672....King Hill avenue....	38.50
672....Williams or First....	63.00
672....Barbara, or Second..	81.00
673....275 feet east of the east line of Barbara..	99.50
673....Miamia	116.00
673....186 feet east of the east line of Miamia...	134.00
700....Fifth (between the street lying east of blocks 1, 4 and 5, Buena Vista addition).	139.00
700....At east line of Buena Vista addition	177.50

Nebraska Avenue.

G. O. No.	Feet
694....King Hill avenue....	47.00

Nebraska Avenue.**East of King Hill Avenue.**

694....King Hill avenue....	45.00
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Ohio Street.

801....King Hill avenue	48.00
733....Pryor avenue	21.00
733....Gordon avenue	12.00
733....Carnegie	11.00
733....Grant street	9.50
733....Lake avenue	8.00
....East R. of W. line of C., R. I. & P. Ry	

Oxford Street.**Russell Street.**

694....King Hill avenue....	55.00
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Texas Avenue.

670....King Hill avenue....	30.00
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Vassar Street.

735....Tennessee	104.00
735....Belding	114.00

Virginia Street.

801....King Hill avenue....	46.00
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Alleys.

546....Between Third and Fourth streets, block 38, St. Joseph Extension addition, north line St. Joseph Extension addition	156.00
546....Between Third and Fourth streets, block 42, Original Town, 90 feet north of Francis.	57.50

Alleys—Cont'd.		G. O. No.	Feet
G. O. No.	Feet		
546....	Between Fourth and Fifth streets, block 49, Original Town, 88 feet south of Jules...	546....	Between Eleventh and Twelfth streets, Fink's addition, intersection of alleys in said block
	72.50		106.00
546....	110 feet south of Jules	546....	Between Eleventh and Twelfth streets, block 57, Smith's addition, 180 feet south of Angelique
	72.00		140.00
546....	Between Fourth and Fifth streets, block 47, Original Town, 100 feet north of Faraon.	546....	Between Lafayette and Seneca streets, block 11, Wyatt Park addition, 175 feet west of Twenty-seventh ..
	111.00		110.00
546....	Between Sixth and Seventh streets, block 16, St. Joseph Improvement addition, intersection of alleys in said block.....	546....	Between Lafayette and Seneca streets, block 12, Wyatt Park addition, 300 feet west of Twenty-eighth
	79.00		138.00
546....	Between Sixth and Seventh streets, Ege's addition, north line of lot 21	546....	Between Olive and Lafayette streets, block 9, Wyatt Park addition, 375 feet east of Twenty-seventh; or 225 feet west of Twenty-eighth
	141.50		129.00
546....	Between Eighth and Ninth streets, block 19, Smith's addition, 120 feet north of Faraon	546....	100 feet west of Twenty-eighth
	110.00		142.50
546....	Between Eighth and Ninth streets, block 21, Smith's addition, intersection of alleys.	546....	Between Penn street and Mitchell avenue, block 15, Wyatt Park addition, 175 feet west of Twenty-seventh ...
	66.00		131.00
546....	Between Ninth and Tenth streets, Snyder tract, 186 feet north of Robidoux street	546....	Between Eighteenth and Nineteenth, 195 feet south of Penn...
	119.00		69.00
546....	140 feet north of Robidoux	584....	North and south alley in block 2, Avenue addition, at the intersection of said alley with the alley lying south of lot 26, block 2, Avenue addition
	120.00		109.00
546....	70 feet north of Robidoux		
	121.75		
546....	Between Ninth and Tenth streets, block 33, Smith's addition, half way between Felix and Francis.....		
	62.50		

Alleys—Cont'd.		G. O. No.	Feet
G. O. No.	Feet		
584....	Alley between Fourteenth and Mount Mora road at the north line of lots 3 and 35, block 2, avenue addition .....130.00	692....	Alley between Penn and Mitchell avenue, 200 feet east of Twenty-seventh .....138.00
587....	In block 1, Herman's addition, at a point 300 feet east of Twenty-fourth street 95.00	701....	Alley between Third and Fourth and between Dolman and St. Paul streets, 120 feet south of the south line of Dolman .....152.00
603....	Between Patee and Mary streets and between Twenty-sixth and Twenty-seventh streets, 250 feet west of the west line of Twenty-seventh street 96.00	706....	Alley between Jules and Francis and between Twenty-second and Twenty-fourth, 120 feet east of the east line of Twenty-second street .....147.00
613....	Between Edmond and Felix and Fourteenth and Fifteenth at a point sixty feet north of the north line of Edmond .....154.00	706....	240 feet east of the east line of Twenty-second street .....144.00
613....	120 feet north of north line of Edmond street .....153.00	706....	120 feet west of the west line of Twenty-fourth 121.00
620....	Between Olive and Patee and Twenty-fourth and Twenty-sixth streets, 320 feet west of the center line of Twenty-sixth street 79.00	744....	Between Jules and Francis, 295 feet east of Twenty-eighth 78.50
682....	First alley south of Buchanan avenue, between Sixteenth and Seventeenth streets, 160 feet east of Sixteenth .....111.00	744....	Between Jules and Faraon, 295 feet east of Twenty-eighth..... 80.50
684....	Alley between Seneca and Penn and Twenty-seventh and Twenty-eighth, 160 feet west of Twenty-eighth .....154.00	747....	Between Penn and Seneca, Twenty-seventh to Twenty-eighth, 100 feet east of east line of Twenty-seventh .....128.50
		747....	Between Penn and Seneca, Twenty-seventh to Twenty-eighth, 200 feet east of the east line of Twenty-seventh .....137.50
		751....	Highland avenue and Dolman, Third and Fourth, at intersection of alleys.....149.00

Alleys—Cont'd.

G. O. No.	Feet
690....Alley between Jones and Highly, 200 feet west of Nineteenth street	165.00
781....Through block 1, Saxton Heights, at a point 120 feet north-westerly from west line of Ashland avenue	195.50
781....At a point 150 feet east line of Twenty-sixth	181.00
787....Alley between Tenth and Eleventh, block 41, Smith's Intersection of center line of alley with the center line of alley running east and west through the east half of said block 41	121.00
808....Alley between Twenty-fourth and Twenty-fifth, at a point 150 feet north of the north line of Jones street..	182.00
812....Alley between Twenty-fourth and Twenty-fifth, at a point 60 feet north of the north line of Union street..	184.00

G. O. No.	Feet
813....Alley between Seventeenth and Eighteenth, at a point 120 feet south of south line of Charles	155.00
814....Alley between Tenth and Eleventh, at a point 321 feet south of south line of Grand avenue	71.00
814....Alley between Tenth and Eleventh, intersection of said alley and Woodson street..	103.00
814....Alley between Tenth and Eleventh, intersection of said alley with south line Fair Grounds addition ...	146.00
810....In north and south alley through block 59, Robidoux, and block 1, St. Joseph Extension, at the east and west section line.	181.00
861....Alley between Jones and Highly, at a point 100 feet east of Nineteenth street ...	168.00
861....Alley between Jones and Howard, at a point 100 feet east of Nineteenth street ...	144.00

ARTICLE III.

GRADING, IMPROVEMENT AND REPAIR OF STREETS.

SECTION

- 519. Grading, how performed.
- 520. Curbing, shall consist of what.
- 521. Guttering to be done in what manner.
- 522. Macadamizing, to be done in what manner.
- 523. Crossgutters, how and of what to be made.

SECTION

- 524. Crosswalks shall conform to specifications.
- 525. Crosswalks, how and what to be made of.
- 526. Tax bills to be issued how.
- 527. Same; duties of city engineer.

Sec. 519. **Grading, how performed.**—Whenever the mayor and common council shall, by ordinance, direct any street, avenue or alley to be prepared for the macadamizing, curbing and guttering, those portions above grade shall be excavated, and those below grade shall be filled up, under the direction and supervision of the city engineer, until the desired grade is obtained. All excess of material in any street shall be deposited in such places as the city engineer may direct. The roadway shall be so shaped and rounded, and the sidewalks brought to such grade and width as will be indicated by the stakes set and the instructions given by the city engineer for that purpose. The grading of each block shall be fully completed before any macadamizing is laid on, and no stones shall be broken on the streets under contract, unless the city engineer shall give his permission, in writing, to that effect. [R. O. 1897, Chap. 34, Art. 3, Sec. 1].

Sec. 520. **Curbing, shall consist of what.**—The material for the curbing shall consist of the best quality of artificial stone, lime or sand-stone, free from seams, clay or shale, and perfectly sound in every respect. No stone shall be less than twenty-four inches deep and thirty inches long, and the top, after being dressed, shall be at least five inches thick. The whole face and top shall be hammered, sawn or dressed, and the back for a space of four inches below the top, shall be brought to a uniform surface, so as to fit closely to a brick or stone sidewalk. The plane of the top shall make, with the face, an angle of 102 degrees, to be varied as the city engineer may direct, and the top shall be set so that it

shall correspond to the plane of the sidewalk paving. No stone shall be less than five inches thick at the base; the joints shall be truly vertical, and so dressed as not to show an opening exceeding half an inch anywhere above the guttering. [R. O. 1897, Chap. 34, Art. 3, Sec. 2].

SEC. 521. **Guttering, to be done in what manner**—The material used for the guttering shall consist of either limestone, fully as good as that used for curbing, or hard burned vitrified brick, as the common council may direct; if limestone be used the stone shall be hammer dressed on its entire upper surface, and so dressed and shaped at the curb side as to fit closely thereto throughout its entire thickness; the joints shall be correctly at right angles to the line of the curb, and shall be so dressed that no opening shall exceed half an inch; the gutter stones shall break joints with the curb stones; and the gutter shall not be less than three and one-half feet wide; no stone shall be less than eight inches long, six inches wide and nine inches thick; the side of the guttering next to the macadamizing shall be brought to a true line and elevated five inches higher than the curb side, unless the city engineer shall otherwise direct. The gutter stones shall be set on a base of not less than four inches of sand, and all intersections shall be thoroughly filled with clean sand, swept in and rammed down. If brick be used, the brick shall be hard burned vitrified brick two inches by four inches by eight inches in size, laid in two courses in clean, sharp sand in the same manner as required for street pavement or of the same quality of brick made in special shapes and sizes for this purpose as may be determined from time to time by the city engineer. The side gutter shall be not less than three and one-half feet wide, and the side next to the macadamizing shall be brought to a true line and elevated at such height above the curb side as the engineer may direct. The cross gutters shall be of such shape and dimensions as may be ordered by the city engineer. [G. O. No. 723, Sec. 3].

SEC. 522. **Macadamizing, to be done in what manner**.—Before macadamizing the roadbed shall be thoroughly settled, so as to have a compact and uniform surface, and the macadamizing shall not be commenced until the city engineer has approved of the roadbed. The material for macadamizing shall consist of clean, sound limestone, broken to a size sufficiently small that each

stone may pass through a ring four inches in diameter, to be at least six inches in depth next to the guttering, and to be gradually increased to the depth of ten inches in the center of the roadway; the rock to be laid as close and compact as possible. Second: A layer of sound lime-stone rock, broken as near as possible to a size so as to pass through a ring of one and one-half inches in diameter, shall be laid over said rock to a depth of five inches next to the guttering and to be increased to a depth of eight inches in the center: the layer of rock constituting the roadway, as above described, and the layer of broken stone placed over it, shall, when completed, describe as near as may be the segment of a circle in its upper surface, having a depth of eleven inches at the guttering and a depth of eighteen inches in the center of roadway: and as each block is finished it shall be top-dressed with one inch in depth of bluff, thoroughly rolled. The whole shall be executed under the supervision and agreeably to the city engineer, to whom the right is reserved of making, in the foregoing specifications, any alterations that to him may seem expedient or necessary, [R. O. 1897, Chap. 34, Art. 3, Sec. 5].

SEC. 523. **Crossgutters, how and of what to be made.**—Crossgutters which may hereafter be constructed in the streets, alleys or highways of the city of St. Joseph, shall be constructed of the materials and laid in the manner provided in one of the three sets of specifications following, as the common council may at the time direct:

(a). Shall consist of paving stone as prescribed in section 521 of this article, and laid as therein provided.

(b). Shall consist of two courses of hard burned brick, suitable for street paving, and laid in sand in the manner prescribed for street paving brick.

(c). Shall consist of a course of hard burned brick, suitable for street paving, laid in sand upon a bottom course of broken stone filled with sand.

All gutters across streets shall be no more than eight inches in depth, with a sufficient surface at the bottom to carry the water off the street, and shall be gradually widened to the top, so as not to incommode the use of vehicles.

The details of work under specifications A, B and C, above mentioned, shall strictly conform to those set forth in like lettered specifications in section 525 of this article, excepting only as to the conformation and finished surface of the work. [R. O. 1897, Chap. 34, Art. 3, Sec. 6].

SEC. 524. **Crosswalks shall conform to specifications.** All crosswalks hereafter to be laid and constructed in the city of St. Joseph shall conform to the one of the four sets of specifications following, as the common council may direct. [R. O. 1897, Chap. 34, Art. 3, Sec. 7].

SEC. 525. **Crosswalks, how and what to be made of.**—Crosswalks shall consist of the materials named in the four following specifications, A, B, C and D, and laid and constructed as therein set forth respectively:

(a). Shall consist of stone flagging and paving stone laid in sand, as follows: two parallel rows of flagging placed end to end across the street from curb to curb, and separated by two rows of paving stones: there shall also be placed a single row of paving stones along the outer edge of each row of flagging: the flagging shall be of sound limestone, laid upon its natural bed, the flags to be hammer dressed or sawn upon the entire upper surface ends and edges, not less than thirty-six inches long, eighteen inches wide and eight inches thick, the width to be practically uniform for each row of flags throughout its length. The paving stone shall conform strictly to the requirements of section 530 of this article for guttering stone: the whole shall be laid upon a bed of not less than four inches of coarse sand, and all interstices filled with coarse sand swept in, and the stones and flags rammed down thoroughly, so that the finished surface of the crosswalks shall be as follows: the center line of the crosswalks shall remain one inch and one-half above the finished surface of the macadam or graded roadway, the outer edge of each row of flags shall be one-half inch above the macadam or graded roadway, and the outer row of paving stone shall be so dressed that its outer edge shall be one-quarter of an inch above the macadam or graded roadway: towards the ends of the crosswalks they shall conform to the surface of the gutter.

(b). Shall consist of hard burned brick of suitable quality for street paving, laid in sand as follows: first the foundation shall be graded to the proper depth, and thoroughly rammed if deemed necessary by the city engineer, then covered with at least four inches of coarse sand; upon this shall be laid one course of brick upon the flat side, corresponding in direction with the length of the street; the joints of this layer shall be filled with sand and thoroughly swept in, upon this shall be spread a layer of coarse sand at least one inch thick, upon which shall be laid the top course of brick upon edge, and at right angles to the street; the joints of this course shall be then filled with sand thoroughly swept in, after which the whole shall be thoroughly rammed with a heavy rammer, striking upon a board, and then covered with one-half inch of sand. Brick crosswalks shall be five feet wide as near as may be, including two white or burr oak barge boards, three inches thick, one on each side of the brick work, extending from curb to curb or from gutter to gutter. The work shall be so laid to conform, after ramming, to the surface of the street as follows: The center line of crosswalks shall be one and one-half inches above the adjacent macadam or graded roadway, and the outer edge of each barge board, after being beveled three-eighths of an inch, shall conform to the surface of the macadam or graded roadway.

(c). Crosswalks may be of hard burned brick suitable for roadway paving laid in sand, on a broken stone base as follows: the sub-grade shall be excavated to the proper depth and thoroughly rammed if deemed necessary by the engineer. On the sub-grade shall be laid a six inch course of stone broken to pass a four inch ring, the interstices filled with coarse sand; on this shall be placed a two inch course of stone broken to pass through a one and one-half inch ring, and the interstices filled with coarse sand; upon this shall be spread a layer of sand one and one-half inches thick and on this layer of sand a course of brick on edge, laid at right angles to the direction of the street, the joints to be filled with coarse sand thoroughly swept in; the whole walk shall then be thoroughly rammed with a heavy rammer striking a plank and covered with one-half inch layer of sand. The walk shall be five feet wide including the barge boards of the kind described in specification B above and laid as therein required; the surface of the crosswalks shall conform as that described in specification

B above. Whenever a crosswalk and crossgutter adjoin, then one of the barge boards prescribed for crosswalks shall be omitted.

(d). Wooden or second-class crosswalks shall be constructed of four courses of two by eight inch white or burr oak plank extending from sidewalk line to sidewalk line and supported on two by eight inch cross plank or sleepers of same material. The cross pieces shall have two of the corners suitably beveled off so that the two inside planks shall lay horizontal and the two outside planks on a bevel to allow of the easy crossing of vehicles. The sleepers shall be placed every four feet across the length of the crosswalk. The crosswalks shall so conform to the actual lay of the roadway as to cause as little grading as possible. [R. O. 1897. Chap. 34, Art. 3, Sec. 8].

SEC. 526. **Tax bills to be issued, how.**—Whenever the municipal assembly shall, by ordinance, cause to be graded, constructed, reconstructed, macadamized, paved or otherwise improved, any street, sidewalk, alley, avenue or highway, or parts thereof, within the city as authorized and empowered to do under the general law applicable to cities of the second class, the costs of which may be charged as a special tax upon adjoining lands, according to the frontage thereof on the sidewalk or alley, or may be charged as a special tax on lands on both sides of and adjoining the street, avenue or highway, as provided in section 5662 Revised Statutes of 1899, the owner of any lot or parcel of ground fronting on such street, may within ten days after the letting of the contract for such work, notify the city engineer that he desires to pay for such work in five annual payments, then the city engineer shall make out five separate special tax bills, each for one-fifth part of the cost for such work, bearing interest at such rate as shall be fixed in each case by ordinance, not to exceed ten per cent on each payment from date of issue to date of payment, said interest to be payable semi-annually, on the first days of February and July of each year, at the office of the city treasurer, and if default be made in the payment of interest due on either of said days, then the principal and interest on special tax bills shall become then and there due and payable, and may be collected as provided by law. [G. O. No. 717, Sec. 1].

SEC. 527. **Same; duties of city engineer.**—After a contract has been made for the grading of any street, avenue or highway, or part thereof, exclusive of the grading of sidewalks thereon, the city assessor shall assess the value of all the property to be charged with the costs thereof, exclusive of the improvements thereon, and deliver the same to the city engineer, and when such grading shall be completed, the city engineer shall compute the cost thereof, and apportion such cost among the several lots or parcels of property to be charged therewith according to the value thereof fixed by the city assessor as aforesaid, and charge each lot or parcel of property with its proper share of such costs. When work other than grading, as last aforesaid, shall be completed under authority of the law governing cities of the second class, the city engineer shall compute the cost thereof and apportion the same among the several lots or parcels of land to be charged therewith, and charge each lot or parcel of property with its proper share of such costs according to the frontage of the property. The city engineer shall, after so apportioning and charging the costs of any work, make out and certify special tax bills according to such apportionment and charge the same in favor of the contractor to be paid against the several lots or parcels of land charged, and register the same in full in his office, and deliver such bills to the party in whose favor issued for collection, and take his receipt therefor at the foot of the register thereof, in full of all claims against the city on account of said work: each tax bill shall contain a description of the lot or parcels of land against which it is issued, full and correct enough to identify the same. [G. O. 717, Sec. 2].

ARTICLE IV.

EXCAVATING IN STREETS.

SECTION

528. Excavations, permit for—regulation of.

529. Applicant for permit must file bond.

530. Permit must be kept on the work; returned, when—plat or plan of work to be submitted, when.

531. Fees for permits.

532. Application shall state when work to be commenced—work treated as defective, when.

SECTION

533. Penalty for violation of foregoing section.

534. Excavations shall be guarded, how; red lights to be maintained.

535. Not to affect ordinance governing sewer work.

536. Permits for hitching posts and shade trees.

SEC. 528. **Excavations, permit for, Regulation of.**—No person, partnership, corporation or association, including corporations or other persons possessing franchises under the city of St. Joseph, authorizing the laying of tracks, the setting of poles, the laying of conduits, pipes or mains or service pipes connecting therewith in the streets, alleys or public places of this city, shall disturb the surface, take up any sidewalk, roadway paving or any part thereof, in any street, alley or public place, nor shall dig or make any excavation, hole, ditch or trench in or under any street, alley, or other public place in said city, or remove therefrom any sod, earth or other substance without a written or printed permit so to do from the board of public works. The permit herein required shall be issued only upon the written request of the applicant or his agent, or in case of corporations, some officer thereof, and in which request the applicant shall agree to save the city of St. Joseph harmless from all damages which may accrue to any person or property by reason of such disturbance, digging, excavating or interfering with the natural surface or with the sidewalk or roadway pavement, or by reason of any failure to replace the same in safe and secure condition, and said applicant shall further agree to replace all material and any pavement or other improvement removed or disturbed, in as good condition as before and in the manner which shall be prescribed by the board of public works, and that in case

any material, paving or other improvement removed or disturbed, is not suitable, in the judgment of the board of public works, to be used again in the backfilling, repaving or replacing of any improvement, such material, paving or other improvement shall be at once removed and other of approved nature and quality provided in its place. [G. O. No. 816, Sec. 1].

Sec. 529. **Applicant for permit must file bond.**—The application of any individual, individuals or unincorporated association must bear the endorsement of the comptroller of the city of St. Joseph that a bond in the sum of five hundred dollars, approved by said comptroller, has been filed in his office as security that said applicant will well and truly perform and comply with each, every and all the conditions of the permit issued to him or them and prescribed in this ordinance; Provided, that any licensed plumber may file with the city comptroller a bond in the penal sum of two thousand dollars, with at least two securities, to be approved by said city comptroller, conditioned in every respect as the bond of five hundred dollars in said ordinance mentioned, which said bond of \$2,000 shall be held as indemnity by said city to apply to and cover all permits issued to such licensed plumber, and upon the filing of such bond by any licensed plumber, the comptroller's certificate, as hereinbefore provided for, shall not be required of such licensed plumber, but he shall make application for the permit and pay for the same for each opening of a street or other work in the same manner as is provided for all other persons in this ordinance. In addition to the bond above required, every person, company or corporation making application for a permit shall deposit with the board of public works the sum of twenty-five dollars (\$25.00) (or such larger amount as in the opinion of the board of public works the magnitude of the work contemplated requires), in cash or certified check for the same amount. If the party making the excavation, hole, ditch or trench designated in the permit does not replace the earth excavated and the paving torn up and leave the street, avenue or alley in the condition as specified by ordinance and as required by the board of public works, said party shall be notified in writing by the board of public works that **the work has not been properly done** and if the said party shall neglect, fail or refuse to do the work in the manner required within forty-eight hours from the date

of the written notice the board of public works shall cause the work to be done by some competent person or persons and shall pay for said work out of the amount deposited by the party to whom the permit for doing the work was issued; Provided, that the board of public works shall be the sole judges as to whether the work has been done properly and substantially; and, provided further, that no other permit shall be issued to the person, corporation or company whose deposit has been wholly or in part used for the purpose mentioned until the amount deducted from said deposits be made good. The board of public works may at its discretion return the full amount or balance of deposit to the party who deposited the same. [G. O. No. 816, Sec. 2].

SEC. 530. **Permit must be kept on the work; returned, when—plat or plan of work to be submitted, when.**—The board of public works shall preserve in their office all applications made, and all permits issued shall be detached from the stubs, which shall at the time of issue be filled out in full as the permit itself, and be bound in books, and said stub books preserved in their office. Such permit and stub shall be regularly numbered in the order issued, and such permit must be kept upon the work and exhibited to any police officer or inspector asking for the same, and although a permit may have been issued, if not kept constantly upon the work, such work shall be deemed as done without a permit. Upon the completion of the work the permit shall be returned to the board of public works endorsed with the name of the plumber, mechanic or foreman performing the work or overseeing the same, and upon failure so to do the board of public works may refuse to issue any future permits to the applicant or for work to be done or overseen by said plumber, mechanic or foreman. The board of public works may require that a plat or plan of the work anticipated shall be submitted, and if not so submitted, or if for good reasons not meeting their approval (which reasons shall be endorsed upon said plans), may withhold the permit. All plans submitted may be required by the board of public works to be upon a certain convenient scale and of a material suitable for binding; and all plans, both approved and unapproved, shall be preserved by the board of public works in their office. [G. O. No. 816, Sec. 3].

SEC. 531. **Fees for permits.**—No permit shall be issued unless the applicant shall at the time pay to the board of public works the sum of one dollar therefor; Provided, that for permits issued for repairs to sewers, drains, gas or water pipes no charge shall be made. All money received by the board of public works for such permits shall be paid into the city treasury monthly, at which time he shall file with the city auditor a statement in writing of the sums received for the preceding month, giving the date when, and name of person from whom received, and shall take triplicate receipts for said money, one of which shall be filed with the city comptroller, one with the auditor and the other they shall retain. [G. O. No. 816, Sec. 4].

SEC. 532. **Application shall state when work to be commenced, work treated as defective, when.**—All applications shall state upon the face the time at which work under the permits is intended to be commenced and said permit shall not take effect until such time so stated, in order that an inspector may be on the ground to see that the work is properly done; and should work not be commenced at the time set, the facts shall be reported at once to said board of public works and another time appointed for doing the same; and any work done without notice to the board of public works as aforesaid or without inspection by some one duly authorized by them, shall be treated as defective work, and they may require the same to be uncovered, and if need be, reconstructed at the expense of the applicant, or party to whom the permit was issued. [G. O. No. 816, Sec. 5].

SEC. 533. **Penalty for violation of foregoing sections.**—Any person who shall violate any of the provisions of the foregoing sections of this ordinance shall, for each offense, be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten dollars nor more than one hundred dollars. [G. O. No. 816, Sec. 6].

SEC. 534. **Excavations shall be guarded, how—red lights to be maintained.**—Every person who shall make any excavation in any street, alley or other public place in said city, shall cause the same, together with the material taken therefrom or to be used therein, to be so guarded and protected by day and night as to be secure against danger to life or limb and designated by

SEC. 539. **Putting building in street.**—No person shall erect or place any building, in whole or in part, upon any street, alley, sidewalk or other public ground within this city, under a penalty of fifty dollars. [R. O. 1897, Chap. 34, Art. 5, Sec. 3].

SEC. 540. **Movement of teams.**—Whenever, from any cause, any street or alley of the city shall be obstructed by a press of teams attached to vehicles loaded or otherwise, the mayor, any member of the common council, police officer or street commissioner may give such directions in regard to the removal of such teams, vehicles, etc., as in the opinion of such officer may be required by the public convenience; and any person or persons refusing or neglecting to obey such directions, shall forfeit and pay a sum of not less than one dollar nor exceeding twenty dollars, and may be arrested forthwith to answer for such refusal or neglect. [R. O. 1897, Chap. 34, Art. 5, Sec. 4].

SEC. 541. **What posts may be erected.**—No sign or other posts, except telegraph, telephone and electric light posts (or awning posts as hereinafter provided), shall be erected or placed or if heretofore erected or placed, shall be permitted to remain in or upon any sidewalk or street, or other public way, under a penalty of five dollars, and a like penalty for every day such post shall be allowed to remain after notice to the owner or occupant of the premises from the board of public works to remove the same. [G. O. No. 823, Sec. 2].

SEC. 542. **Awnings, how erected.**—All awnings in this city shall be elevated at least ten feet at the lowest part thereof, above the sidewalk, and securely attached to the building and properly supported, without posts, by iron or other metallic fastenings and supports, or by a rail placed on iron posts erected on the outer edge of the sidewalk close within the curb. Said posts shall be erected only under the direction of the board of public works. Any person who shall erect any awning contrary to the provisions hereof, or refuse or neglect forthwith to remove any awning or awning posts heretofore or hereafter erected contrary to the provisions hereof, shall be subject to a fine of not less than five dollars nor more than twenty dollars for every offense, and to a like fine for every day he shall fail to comply with a

notice after a lapse of five days from the service thereof from the board of public works to remove the same. [G. O. No. 823, Sec. 3].

SEC. 543. **Obstructions by boxes, etc.**—Any person who shall in this city suspend or put up any sign, sign box or other fixture which shall extend over or upon any sidewalk more than fourteen inches from the inside line thereof, or who shall place or cause to be placed on any sidewalk any article whatever so as to obstruct the same, shall be subject to a fine of not less than three dollars nor more than fifty dollars for each offense, and a like fine for every day such obstruction shall be permitted to remain after the first conviction; Provided, that the occupants of buildings on streets where the sidewalks are eight feet or more in width, be permitted to occupy two feet next the line of building at all times for the display of goods, so placed as to be not more than six feet above the level of the sidewalk: but no owner or occupant of any lot or premises shall lease the space aforesaid or permit the same to be used or occupied except for his or their own business; nor shall such space be used for selling any article or thing whatever; Provided, that nothing herein contained shall be construed to prevent the erection of a sign over the street, such sign to be not less than thirty feet above the street, nor more than four feet in height and to be erected in a safe and secure manner. [R. O. 1897, Chap. 34, Art. 5, Sec. 7].

SEC. 544. **Same; receiving goods, etc.**—No person or persons receiving or delivering goods, wares or merchandise in this city, shall place or keep upon, or suffer to be placed or kept upon any sidewalk, any goods, wares or merchandise which he or they may be receiving or delivering, without leaving a passage way clear upon such sidewalk; such passage shall not be less than four feet wide, for the use of persons passing thereon; and no person or persons receiving or delivering such goods shall suffer the same to be or remain on such sidewalk (subject nevertheless to the foregoing restrictions), for a longer time than six hours; and any person or persons violating any of the provisions of this section, shall be subject to a fine of not less than three dollars nor more than twenty dollars for every such offense. [R. O. 1897, Chap. 34, Art. 5, Sec. 8].

SEC. 545. Collecting crowd by sale.—Any person or persons, whether licensed as an auctioneer or not, who shall sell or attempt to sell, or shall cry for sale at public auction or otherwise, in this city, any goods, chattels or personal property whatever, to any person or persons, upon the sidewalks or streets within this city, so as to collect a crowd of people upon said sidewalks and streets, whereby the free passage thereof of any person or persons is prevented or hindered, shall be subject to a fine of not less than five dollars nor more than fifty dollars. [R. O. 1897, Chap. 34, Art. 5, Sec. 9].

SEC. 546. Regulations for cellar door or window.—No bay-window or other window shall extend into any sidewalk more than fourteen inches, nor shall any cellar door rise or project above the surface of the sidewalk more than one inch at the outer side, nor more than three inches near the store or other building, nor shall the hinges thereof or anything connected therewith project or rise above the door, nor shall any staple, lock or other fastening be placed on the upper side thereof, under a penalty of five dollars for each offense to every person violating any provision of this section, and the like penalty for every day such violation shall continue after the first conviction. [P. O. 1897, Chap. 34, Art. 5, Sec. 10].

SEC. 547. Sidewalks to be kept clear of snow, ice, earth, mud, etc.—The occupant and when not actually occupied, the owner of any lot or parcel of ground in the city of St. Joseph, abutting upon or lying along any street, and in front or alongside of which there shall be constructed any sidewalk of any class, shall keep such sidewalk in front or alongside of such lot, clear of snow, ice, earth or mud, or other obstructions and remove any earth or other material from any bank on the border of such sidewalk, where it threatens or appears liable to fall upon any such sidewalk, under a penalty of five dollars for each day any such obstruction shall be permitted to remain. [R. O. 1897, Chap. 34, Art. 5, Sec. 11].

SEC. 548. Crosswalks not to be obstructed.—All crosswalks in the city shall be kept and reserved free from any sleighs, wagons, carts, carriages, drays or other vehicles, and horses or other animals being placed or suffered to stand thereon, except

so far as may be necessary in crossing the same, and the owner or person in charge, of any sleigh, wagon, cart, carriage, dray or other vehicle, or horse or other animal offending herein, shall be subject to a fine of not less than one dollar nor more than ten dollars for each offense. [R. O. 1897, Chap. 34, Art. 5, Sec. 12].

SEC. 549. Pipes must not throw water on walk.—No owner or occupant of any building in this city shall cause pipes for conducting the water from the eaves of such building to be so constructed as to cause the water to spread over a sidewalk, under a penalty of not less than three dollars nor more than fifty dollars, and a like penalty for every day the same shall be permitted to remain after the first conviction. [R. O. 1897, Chap. 34, Art. 5, Sec. 13].

SEC. 550. Cellar door must not be open.—Any person who shall, in this city, keep or leave open any cellar door or grating or other covering of any area or vault, on any sidewalk, or suffer the same to be left open or in an insecure condition, or who shall suffer any sidewalk in front of his premises to become or continue to be broken as to endanger life or limb, shall be subject to a fine of not less than five dollars nor more than one hundred dollars. [R. O. 1897, Chap. 34, Art. 5, Sec. 14].

SEC. 551. Vaults under sidewalk—regulations for construction.—No person shall construct or excavate for the construction of a vault or in any manner utilize the space under any sidewalk in this city, unless a written permit therefor shall have been first obtained from the board of public works, who is hereby authorized to grant such permits, subject to the following regulations: First, a sufficient stone or brick wall shall be built to retain the roadway of the street, and the area divisions and party walls of such buildings shall be extended under the sidewalk to such retaining wall; openings in such sidewalk for admission of coal or light shall be covered on a level with the surface of the sidewalk with prismatic lights in iron frames, or with iron covers having a rough surface; and in no case will a smooth surface be tolerated on any such cover, nor shall a ring or staple be attached or used for lifting said covers. Second, detail drawings, showing the plan of construction of the vault, and written specifications for same shall be submitted with application, and when ap-

red signal lights as follows: All excavations, however small, together with the material taken therefrom or to be used therein, must be designated by at least one red light, and when the excavation or material is made or placed across the direction of travel, a red light shall be placed at each end of the same, if as much as eight feet in length, and if exceeding sixteen feet in length an intermediate light shall be placed between the two end lights and an additional intermediate light shall be placed for each eight feet of additional length of excavation or material and when the excavation or material is made or placed in the direction of travel, a red light shall be placed at each end of the same, when as much as twenty feet and less than fifty feet in length, and when exceeding fifty feet in length, one intermediate light shall be placed for each additional fifty feet or fraction thereof, and all red lights shall be lighted at sundown and maintained in position and kept burning until sunrise. And upon the failure of said person so to do, he shall be subject to a fine of not less than one hundred dollars nor more than five hundred dollars for each and every offense, and every hour the same shall be left unguarded or insecurely guarded shall be deemed a new and distinct offense. [G. O. No. 816, Sec. 7].

SEC. 535. Not to affect an ordinance covering sewer work—The passage of this ordinance shall not be held to affect in any manner chapter LI., sections 1,139 to 1,161, inclusive, which are hereby declared to apply to and affect sewer work only. (G. O. No. 816, Sec. 8).

SEC. 536. Permits for hitching posts and shade trees.—The board of public works upon written application from any property owner, is hereby authorized to issue a permit without fee or charge of any kind or bond, granting permission to such person for the taking up of portions of any sidewalk for the purpose of putting in a hitching post or posts or setting out shade trees, said work to be done under the supervision of the board of public works. [G. O. No. 816, Sec. 9].

ARTICLE V.

OBSTRUCTION OF STREETS, SIDEWALKS, ETC.

SECTION

- 537. Injury to pavements, side and crosswalks.
- 538. Excavations to be guarded.
- 539. Erection of buildings upon, penalty.
- 540. Obstruction by teams and vehicles.
- 541. What posts may be erected.
- 542. Awnings; how erected and supported.
- 543. Obstruction by boxes, etc.
- 544. Obstruction by goods and wares.
- 545. Obstruction of public sales.
- 546. Regulating windows or cellar doors upon.

SECTION

- 547. To be cleared of snow, ice, etc.
- 548. Obstruction of crosswalks prohibited.
- 549. Governing water pipes.
- 550. Cellar doors and vaults to be closed.
- 551. Vaults under sidewalks; regulations for construction.
- 552. Same; penalty for construction without permit.
- 553. Telephone and other poles to be branded.
- 554. Poles not branded may be removed.
- 555. Same; penalty.

SEC. 537. **Penalty for injuring streets—pavements.**—No person shall injure or tear up any pavement, side or crosswalk, or any part thereof, dig any hole, ditch or drain in, or dig or remove any sod, stone, earth, sand or gravel from any street, avenue, alley or public place or ground in this city, without having first obtained from the board of public works written permission; or hinder or obstruct the making or repairing of any public improvement or work ordered by the common council, or being done under lawful authority for the city, under penalty, for each offense, of not less than ten dollars nor more than one hundred dollars. [G. O. No. 823, Sec. 1].

SEC. 538. **Excavations to be guarded.**—Any person who shall, in this city, dig or cause to be dug, any excavation in or adjoining any street, alley or avenue, and shall not cause the same to be so guarded and protected as to be secure against danger to life and limb, shall be subject to a fine of not less than one hundred dollars nor more than five hundred dollars for every such offense, and to a like fine for every hour the same shall be so left unguarded. [R. O. 1897, Chap. 34, Art. 5, Sec. 2].

proved by the board of public works and permit issued thereon, shall be kept on file in the office of the board of public works. All areas or vaults under sidewalks shall be covered over the entire width and length of sidewalk in a substantial manner, wood not being used in any case, nor openings left uncovered with guard railing, which uncovered opening and railing is strictly prohibited. [G. O. No. 823, Sec. 4].

SEC. 552. Same; penalty for constructing without permit.—Any property owner, agent, builder or any person who shall excavate the ground under a sidewalk without first having obtained a permit from the board of public works so to do, or who shall construct a vault under a sidewalk without a permit from the board of public works, or who shall construct a vault not in accordance with the plans and specifications approved by the board of public works, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty dollars nor more than five hundred dollars; or who, when notified by the board of public works to remove a vault constructed without permission of the board of public works, or to alter its construction so that it shall conform with the approved plans and specifications, shall fail to do so forthwith, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty dollars nor more than five hundred dollars; and every day that such vault is allowed to remain or is not changed or altered to conform with its duly approved plans and specifications, shall be deemed a separate offense. [G. O. No. 823, Sec. 5].

SEC. 553. Telephone and other poles to be branded.—All telephone, telegraph, electric light and street car companies, and all other companies using poles for the purpose of holding wires in the city of St. Joseph, shall within thirty (30) days after the approval of this ordinance, adopt and register with the city engineer a brand to be either painted or burned into each of their poles erected in any of the streets, avenues or alleys of the city of St. Joseph, and all poles hereafter erected shall at the time of erection by any such companies or persons be branded with the brand so registered with the city engineer. [G. O. No. 772, Sec. 1].

SEC. 554. **Poles not branded may be removed.**—All poles now in the streets, avenues or alleys of the city of St. Joseph shall within sixty (60) days after the passage of this ordinance, be branded in the manner provided in the preceding section, and all poles remaining unbranded after the expiration of the sixty (60) days from the passage and approval of this ordinance shall be removed by the city engineer. [G. O. No. 772, Sec. 2].

SEC. 555. **Same; penalty.**—Any person or corporation failing to comply with the provisions of this ordinance shall be deemed guilty of a misdemeanor and punished by a fine of not exceeding fifty dollars for each violation thereof. [G. O. No. 772, Sec. 3].

ARTICLE VI.

CLASSIFICATION AND CONSTRUCTION OF SIDEWALKS.

SECTION

- 556. Width of sidewalks specified.
- 557. Classification.
- 558. Owner must have permit; conditions of, etc.
- 559. Sidewalks to be laid on grade.
- 560. Flagstone or artificial stone shall be laid in what district.
- 561. Flagstone walks, specifications for.
- 562. Artificial stone, specifications for.
- 563. Hexagonal, octagonal or other shaped blocks.

SECTION

- 564. Flags or artificial stone, how laid.
- 565. Penalty.
- 566. Construction of plank sidewalks prohibited.
- 567. Same, penalty.
- 568. Engineer shall remove sidewalks laid in violation of ordinance.
- 569. Second class sidewalks; specifications.

SEC. 556. Width of sidewalks specified.—The sidewalks upon all streets not already improved with curbing, macadam or paving, shall be six feet wide; upon all streets ordered improved by the common council with curbing, guttering or macadamizing, singly or collectively, or by curbing and paving, the sidewalks, on each side of the street, shall be of a width, including the curbing, of one-fifth the total width of such street, unless otherwise provided in the ordinance ordering such improvement, the width of the sidewalk being measured from the true property line to the face of the curbing: Provided, that any street already curbed, guttered and macadamized or curbed and paved, which may be hereafter ordered recurbed, reguttered, remacadamized or repaved, the widths of the sidewalks thereon shall practically remain of the width indicated by the curb already set, unless otherwise prescribed in the ordinance ordering such work: Provided further, however, that should the width of the sidewalk abutting any lot or lots, not be indicated by any curbing already set, or if the curbing already set shall not conform to the general line of curbing in the front of the adjacent lot, then the new curbing shall be set or the old curb reset, if found of proper quality and dimensions, upon a line conforming as near as practicable to the general line of curbing of the lots adjacent, and the sidewalk shall be deemed the space between the true property line and the face of

the curbing so set or reset; Provided further, that when the common council shall by ordinance direct that a certain space, the extent of which shall be defined in said ordinance, be set apart or reserved for the purpose of planting shade trees and grass, said space shall lie next to and on the inside of the curbing and shall be known and described as "park reservation;" said reservation may be made on one or both sides of the street and may be in separated sections of such lengths as shall by ordinance be specified, and must be graded throughout with earth to a height even with the curbing on street where said reservation has by ordinance been made, the sidewalk on the same side of the street as the reservation aforesaid, shall be deemed that portion of the street lying between such reservation and the true property line, together with those portions lying between the several sections of said park reservation. [R. O. 1897, Chap. 34, Art. 6, Sec. 1].

SEC. 557. **Classification.**—All sidewalks upon streets or parts of streets which are either curbed, guttered, macadamized or paved or upon streets or parts of streets which are ordered so improved, shall be laid with hard burned brick uniform in size, upon a base of clean, coarse, sharp sand, uniformly six inches in depth and spread upon a properly prepared sub-grade, which sub-grade shall be brought to a plane surface, after being thoroughly rammed, if deemed necessary by the city engineer; the brick shall be laid herring-bone fashion, with close joints, and no bats or parts of bricks used except where rendered necessary for filling out at the sides; after being laid upon a proper base of sand, the brick shall be lightly rammed to conform with the proper grade of the sidewalk, which is hereby declared to be a slope of one-half inch to the foot, rising and starting from the top of the curbing when set to the true line and grade; Provided, that if buildings, permanent in character, have been erected abutting said sidewalk, before the construction, reconstruction, laying or relaying of the same, the slope above prescribed may be reduced to a slope of one-quarter inch to the foot, upon a written permit from the city engineer, who shall require a properly shaped connection with sidewalks laid upon a standard slope; step-offs or abrupt changes from sidewalks laid upon the standard slope to sidewalks built upon a reduced slope are positively prohibited; such change shall be gradual and easy in its character,

sidewalks laid in accordance with these provisions as just hereinbefore set forth, shall be deemed first-class sidewalks. [C. O. No. 721, Sec. 1].

SEC. 558. **Property owner must have permit to construct sidewalk, conditions.**--Provided further, that any property owner or his duly authorized agent shall be permitted, whenever so desiring, upon any street not ordered to be improved, to lay sidewalks of stone flag or artificial stone, and to take up sidewalks of brick or plank and replace the same with stone flagging or artificial stone upon giving at least forty-eight hours' notice at the office of the board of public works and obtaining a permit therefor as provided by the ordinances of the city of St. Joseph, which permit shall prescribe the time during which the street may be occupied with material and the sidewalk opened, torn up or obstructed for the purpose of laying said new sidewalk and any material remaining upon said street or sidewalk after such prescribed time, shall be deemed an unlawful obstruction of the same, and any sidewalk torn up and remaining unlaid after such prescribed time shall be deemed a sidewalk out of repair. Sidewalks which are rendered unsafe or impassible by reason of the work of relaying shall be properly barricaded and such barricades and all the material in the streets shall be guarded by red signal lights, kept burning from sundown to sunrise; all sidewalks not so barricaded and lighted shall be deemed sidewalks out of repair, and all material not guarded by lights shall be deemed an unlawful obstruction, and all permits therefor forfeited and annulled. The board of public works may withhold its permit until satisfied that materials sufficient in quantity to complete the work are in readiness to be placed forthwith upon the ground, or if they shall deem that the weather shall not permit the proper completion of the work within a reasonable time, and after said permit has been once issued the board of public works shall have the power to recall and cancel the same if the weather should stop the work for a period of ten days with the prospect of continued bad weather; and upon such permit being recalled and cancelled, it shall be the duty of the property owners to forthwith remove all material and obstruction from the street and sidewalk and place said sidewalk in passable and safe condition, and keep it so during the suspension of the work. Any material or ob-

struction remaining upon the street or sidewalk more than twenty-four hours after the recall and cancellation of said permit shall be deemed an unlawful obstruction, and any sidewalk not put in a safe and passable condition, within twenty-four hours after the recall and cancellation of said permit, shall be deemed sidewalks out of repair. Sidewalks constructed of stone flagging or of artificial stone shall be laid with a slope towards the curbing or roadway such as the board of public works may direct in its permit, but in no case to exceed a slope of one-half inch to the foot. [G. O. No. 721, Sec. 2].

SEC. 559. **Sidewalks to be laid on grade.**—All sidewalks should be placed upon the established grade of the street. Whenever any property holder shall desire to set curbing and construct sidewalks, he shall so notify the city engineer in writing, and said engineer shall, as soon as practicable, make an examination of the locality, and if it is found that the proposed curbing and sidewalk can be properly constructed without being placed in an undue elevation or depression with respect with the adjacent portion of the street, then said engineer shall have the stakes set for the line and grade as soon as practicable after curbing of proper quality and dimensions has been delivered upon the ground in sufficient quantity for the proposed work. Nothing herein contained shall be construed as authorizing individual property holders to construct their own sidewalks and curbing after a contract has been let for like work upon the street embracing such locality. [G. O. 721, Sec. 3].

SEC. 560. **Flagstone or artificial stone shall be laid, in what district.**—All sidewalks hereafter laid, or taken up to be relaid in the city within the district bounded by the Missouri river on the west, Jules street on the north, Eighth street on the east and Messanie street on the south, shall be laid or relaid with either flagstone or artificial stone according to the following specifications. [R. O. 1897, Chap. 34, Art. 6, Sec. 7].

SEC. 561. **Flagstone walks.**—Flags shall be sound limestone, sandstone or granite not less than four inches in thickness, which thickness shall be practically uniform, of a length equal to width of sidewalk, and not less than three feet in width, which width shall be uniform the whole length of each flag, the top shall be

sawn or dressed to a plane surface and the ends and edges must make close fitting joints. Flags shall be laid upon a bed of not less than six inches of clean, coarse sand, except when forming the top covering of areas within and under sidewalks in which cases said flags shall be not less than six inches thick, not less than six inches thick for areas not exceeding three feet wide nor less than seven inches in thickness for areas not exceeding six feet in width, and not less than eight inches in thickness for areas not exceeding twelve feet in width. [R. O. 1897, Chap. 34, Art. 6, Sec. 8].

SEC. 562. **Artificial stone.**—There shall first be spread a layer of not less than eight inches of clean cinder, thoroughly rammed with a flat faced iron rammer weighing not less than forty pounds, to a proper grade. Upon this layer of cinders shall be spread a layer of concrete composed of five parts by measure of hard, durable stone, broken to pass through an inch and one-half ring, two parts by measure of clean, coarse, sharp sand and one part by measure of fresh ground cement equal in quality to the best American brands; the cement and sand to be thoroughly mixed dry before being wet, and water added to make a thin mortar; the stone wetted and mixed with the mortar until each piece is thoroughly coated, laid and gently tamped until water forms on the surface; said layer of concrete shall be not less than three inches thick after being tamped; upon this layer of concrete shall be spread a layer of cement mortar for wearing or top coat, one inch in thickness, composed of two part; by measure of the best quality of English or German Portland cement, and three parts of clean, crushed granite, crushed jasper or flint chips, all thoroughly mixed, tempered and finished with a dry coat of Portland cement and fine sand in equal parts, well troweled to a smooth and hard finish, lined to form rectangular or other shaped blocks, and finished with slight indentations to form foothold. [R. O. 1897, Chap. 34, Art. 6, Sec. 9].

SEC. 563. **Hexagonal, octagonal or other shaped blocks.**—Artificial stone not less than four inches thick of hexagonal, octagonal or other like shaped blocks, and previously made in moulds, in the manner and composed of the materials, in the proportions named named in section nine of this article, may be laid upon a bed of cinders as therein set forth. And sound lime stone,

sand stone or granite, which may have been sawn or cut into hexagonal, octagonal or other like shapes, not less than four inches thick and sawn or dressed on top may be laid upon a bed of clean, coarse, sharp sand not less than six inches in thickness. [R. O. 1897, Chap. 34, Art. 6, Sec. 10].

SEC. 564. **Flags or artificial stone, how laid.**—The flags or artificial stone shall fit neatly and closely together and to the curbing and be brought to a true line at the building or property lines. The flags or artificial stone shall be laid in the same plane and with a uniform rise from the curb line to the building line of not more than one-half inch to the foot nor less than one-quarter inch to the foot. [R. O. 1897, Chap. 34, Art. 6, Sec. 11].

SEC. 565. **Penalty.**—Any person who shall lay or relay any sidewalk or part of a sidewalk (except such laying or relaying constitute repairs to a sidewalk already laid) within the above described district in violation of the foregoing provisions and specifications, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not to exceed one hundred dollars, and each day such sidewalk laid or relaid in violation of this ordinance, shall remain so laid or relaid, shall be deemed to constitute a separate offense. [R. O. 1897, Chap. 34, Art. 6, Sec. 12].

SEC. 566. **Construction of plank sidewalks prohibited.**—The laying down or construction of plank or board sidewalks within the corporate limits of this city by any person, party or parties, (or the causing of the same to be laid or constructed on any street which has been graded to the established grade), be and the same is hereby expressly prohibited, forbidden and declared unlawful. It shall be further unlawful for any person, party or parties, to lay boards or plank, for the purpose of accommodating foot travel, along or upon any space reserved for sidewalk purposes in this city. Provided, that nothing herein shall be held as prohibiting the construction of plank crosswalks across the roadway of any street, alley or other public highway, by the city of St. Joseph; but such plank crosswalks shall be constructed only of sound white oak plank; Provided further, that nothing herein contained shall be deemed as prohibiting the construction of plank driveways across sidewalks; such driveways shall be constructed in a substantial manner of sound white oak plank, not less than

two inches thick and laid flush with the sidewalk. [G. O. No. 642, Sec. 13].

SEC. 567. **Same; penalty.**—Any person, party or parties violating any of the provisions of the preceding section, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in a sum not exceeding one hundred dollars. [R. O. 1897, Chap. 34, Art. 6, Sec. 14].

SEC. 568. **Engineer shall remove sidewalks laid in violation hereof.**—When any violation of this ordinance shall have been reported to him, it shall be the duty of the city engineer to cause to be removed at once from any street, alley, avenue or other public highway, any boards, plank, or any sidewalk or parts of sidewalk constructed of boards or plank, which shall be laid or placed after the date of approval of this ordinance by the mayor, and in violation thereof. [G. O. No. 713, Sec. 2].

SEC. 569. **Second-class sidewalks, specifications.**—Whenever the common council shall order sidewalks laid upon any street or part of a street that has not been graded to the established grade, said sidewalks shall be laid in accordance with the following specifications and provisions and be termed second-class sidewalks:

SPECIFICATIONS.

Plank four (4) feet long, not less than six (6) inches wide and two (2) inches thick, sawn from sound pine, white or burr oak lumber, shall be laid across and upon two (2) sleepers of sound pine, white or burr oak scantling, four (4) inches by four (4) inches in size and not less than twelve (12) feet in length: all joints of sleepers to be well broken and all joints to be secured by a cleat four (4) inches wide, not less than one (1) inch thick and two (2) feet long and securely spiked to the sides of the sleeper: Provided, that by and with the consent of the city engineer there may be substituted for the four by four (4x4) inch scantling a stringer composed of two (2) scantlings, two (2) inches by four (4) inches, not less than twelve (12) feet long, and of sound pine, white or burr oak: said two by four (2x4) scantling shall be securely spiked together, breaking joints every half length of scantling so as to form a continuous stringer: cross

planks shall be laid to a joint not to exceed three-eighths of an inch, so that both ends of the plank shall conform to a line and overlap the sleeper not more than one inch and a half ($1\frac{1}{2}$); all cross planks shall be eight inches or under in width, to be spiked to the sleepers with two (2) 20d wire nails at each end. Tie wires of number ten (10) wire shall be laid lengthwise of the walk, when finished, two (2) inches from the inner and outer ends of the cross planks and secured by two (2) one and one-half ($1\frac{1}{2}$) inch fence staples in each plank. The above structure of plank and scantling to be so laid that the center line of the same shall conform to the center line of space set apart for sidewalk purposes; and the space included between the stringers, sleepers or scantling and the property and roadway lines respectively shall be filled with cinders, broken stone, gravel, bluff or other material approved by the city engineer; said filling, after having been rammed, to be even in height with the cross planks; all sleepers, stringers and scantlings to be firmly bedded their entire length. [G. O. No. 643, Sec. 1].

ARTICLE VII.

REPAIR OF SIDEWALKS.

SECTION

- 570. Term "repairs" defined.
- 571. Owner may be notified in isolated cases.
- 572. Owner or agent guilty of misdemeanor, when.
- 573. Engineer to advertise for bids and award contracts.
- 574. Term "repairs" as hereinafter used, defined and explained.
- 575. Repairs to be made by day's work.

SECTION

- 576. Engineer may advertise for proposals for repairs in general.
- 577. Cost of repairs, how taxed.
- 578. Tax bills shall be delivered to city collector.
- 579. Collection of tax bills.
- 580. Counselor shall collect by legal proceedings, when.

SEC. 570. Term "Repairs" defined and explained.—The term "repairs" as herein used shall be understood to embrace whatever is necessary for the preservation of said sidewalk reservation or the pavement, planking or other surfaces thereof, or of said park reservation and making them conform to the width prescribed by ordinance, or the curbing alongside thereof, in manner and material as required by the ordinance, in each case, for original construction and also whatever is necessary to the preservation in a safe condition of all cellar-ways, cellar doors, coal holes, gratings, areas or other like places suffered to be made in said sidewalks. [R. O. 1897, Chap. 34, Art. 7, Sec. 1].

SEC. 571. Owner may be notified in isolated cases.—Where any sidewalk reservation, or the pavement, planking or other surfaces thereon or the curbing alongside thereof, or any park reservation or curbing alongside thereof, shall in isolated places become, in the judgment of the board of public works, out of repair, the board of public works shall notify the owner of the abutting property, or such person having the same under their control and charge, that such sidewalk reservation or pavement, planking or other surface, curbing or such park reservation or curbing, as the case may be, is out of repair; such notice shall be in writing and shall further instruct said owner or person to have said repairs made good within five days from the service of such notice. But nothing herein contained shall be construed

as requiring any notice to owner or agent before such repairs shall be made under any contract with the city authorizing the same to be done. [G. O. 886, Sec. 1].

SEC. 572. Owner or agent guilty of misdemeanor, when.—Any person owning property in this city, or having the same under their charge or control, who shall permit any sidewalk reservation or the pavement, planking or other surface of the same, or curbing alongside thereof, or any park reservation or curbing alongside thereof, which shall abut upon the property owned by him or under his control and charge, to remain in an unrepaired condition for five days after receiving written notice from the board of public works to repair the same, shall be deemed guilty of a misdemeanor and upon conviction thereof, fined in a sum not to exceed one hundred dollars; and each twenty-four hours that said sidewalk reservation, pavement, planking or other surface thereof, curbing or park reservation, shall remain out of repair shall constitute a separate offense. [G. O. 887, Sec. 1].

SEC. 573. Board of public works to advertise for bids and award contracts.—Whenever the common council shall by ordinance direct the repair of any sidewalk reservation, pavement, planking or other surface thereof, any park reservation or the curbing alongside thereof, the board of public works shall forthwith advertise for proposals for doing said work, award the contract, submit the same to the common council for confirmation and upon said confirmation, cause said repairs to be made by the contractor, all in the same manner as provided in the general ordinances for other public improvements; and upon the completion and acceptance of said work, the engineer shall apportion and assess the cost of such work, including both labor and material, against the property liable therefor according to law, and shall issue special tax bills therefor in favor of the contractor, and said tax bills when so made out shall be delivered to said contractor, taking his receipt therefor, which tax bills shall be a lien upon the property therein described, as provided by section 5664, Revised Statutes of the State of Missouri, 1899. [G. O. 901, Sec. 1].

SEC. 574. Term "repairs" as hereinafter used defined and explained.—The term "repairs" as hereinafter used shall be understood to embrace whatever is necessary for the preservation of the paving or planking of any sidewalk or making them conform to the width prescribed by ordinance, or for the preservation of the curbing and guttering, in manner and material as required by ordinance in each case for original construction, and also whatever is necessary to the preservation and safe condition of all cellarways, cellar doors, coal holes, gratings, area or other like spaces suffered to be made in said sidewalk. [R. O. 1897, Chap. 34, Art. 7, Sec. 6].

SEC. 575. Repairs to be made by day's work.—Whenever repairs are deemed necessary by the board of public works to the paving or planking of any sidewalk, or curbing or guttering alongside thereof, they shall procure the material therefor and make or cause the same to be made by day's work, keeping an account of the material used and time employed in making the repairs in front of each lot or parcel of land liable for the cost thereof. [G. O. 899, Sec. 1].

SEC. 576. Board of public works may advertise for proposals for general repairs.—If deemed by the board of public works, in their discretion, for the best interest of the city so to do, they shall advertise for sealed proposals for doing the work of repairs in general to the paving and planking of any sidewalk or curbing or guttering at such places within the city and at such times as may be directed by them, for the period of one year, or for special repairs to the sidewalk, curbing or guttering upon any street or streets, or upon any portion of such street. Such advertisement shall be made for five consecutive days, the contract awarded and the same submitted to the common council for confirmation. Upon the confirmation of any contract for any work prescribed in this ordinance, the board of public works shall cause said repairs to be made by the contractor. [G. O. 888, Sec. 1].

SEC. 577. Cost of repairs, how taxed.—The cost of repairing the paving and planking of any sidewalk, or the curbing or guttering alongside thereof, shall, when made in accordance with sections 575 and 576 of this article, be paid in the first instance

out of the general revenue of the city and the city engineer shall compute and charge against each lot, tract or parcel of property fronting on the spot where any such repairs are made the cost of such repairing in front thereof and shall make out in favor of the city a special tax bill against each lot or parcel of land for the cost of such repairs made in front of such lot, tract or parcel of land, which bill shall be registered and collected as is provided in section 5564 of the Revised Statutes of Missouri for 1899. [R. O. 1897, Chap. 34, Art. 7, Sec. 9].

SEC. 578. **Tax bills shall be delivered to city collector.**—As soon as said tax bills are made out and registered by the city engineer, he shall deliver the same to the city collector, taking from him triplicate receipts therefor, one to be filed with the city auditor, one with the city comptroller and the third retained. [R. O. 1897, Chap. 34, Art. 7, Sec. 10].

SEC. 579. **Collection of tax bills.**—The city collector shall, upon the receipt of such tax bills, forthwith send by mail to each of the owners of property as shown upon said tax bills a written or printed notice that said tax bills are in his hands for collection and will be payable at his office at any time within thirty days from the date of their receipt by him, naming such date. At the expiration of said thirty days, the city collector shall turn over the tax bills uncollected to the city counselor, taking triplicate receipts therefor, one to be filed with the city auditor, one with the city comptroller and the third retained. The city collector shall also file with the city auditor a statement of the money collected while the tax bills were in his hands. [R. O. 1897, Chap. 34, Art. 7, Sec. 11].

SEC. 580. **Counselor shall collect by legal proceedings, when.**—The city counselor shall, as soon as practicable after receiving such tax bills, collect the same by legal proceedings in the name of the city, and as fast as he collects he shall pay the money into the city treasury, taking triplicate receipts therefor, one to be filed with the city auditor, one with the comptroller and the third retained. [R. O. 1897, Chap. 34, Art. 7, Sec. 12].

CHAPTER XX.

HOTELS AND BOARDING HOUSES.

SECTION

581. Hotel, license for.

SECTION

582. Boarding house, license for.

SEC. 581. **Hotel, license for.**—No person shall carry on or engage in the business of keeping or running a hotel or inn without a license therefor from said city, and the charge for such license shall be fifty dollars per year when the building or buildings in which the business may be carried on, together with the lot or lots of ground on which the same may be, shall be valued for city taxation in the land tax book, at the issue of the license, at ten thousand dollars or over, and twenty-five dollars per year when such value shall be, at the issue of the license, less than ten thousand dollars; Provided, that for any hotel or inn, kept in any building the first story of which is not used for such hotel or inn, the charge shall be twenty-five dollars per year. Any person, firm or corporation who keeps a house open for the reception and accommodation of transient guests, and charges therefor daily rates, and who keeps a register of the names of such guests, is hereby declared to be a hotel keeper. [R. O. 1897, Chap. 35, Sec. 1].

SEC. 582. **Boarding house, license for.**—No person shall carry on or engage in the business of keeping a boarding house without a license therefor from said city, and the charge shall be as follows: For a public boarding house, ten dollars per year; for a private or family boarding house, two and one-half dollars per year. A public boarding house, as used in this section, shall be held to mean any place where meals and lodging are furnished by day or night, or single meal, but which does not come under the definition of a hotel as given in the preceding section. [R. O. 1897, Chap. 35, Sec. 2].

(For penalty for violating this chapter see Sec. 662, Chap. 27, entitled "licenses.")

CHAPTER XXI.

HUCKSTERS.

SECTION

- 583. Huckster, license for.
- 584. Auditor to furnish badge.
- 585. Vendors of fish declared hucksters.
- 586. Date of expiration of license.

SECTION

- 587. Penalty for violation.
- 588. Wholesale hucksters.
- 589. Same, badge for.
- 590. Penalty for violation.

SEC. 583. **Hucksters, license for.**—It shall be unlawful for any person to carry on the business of huckster in the city of St. Joseph, or in any manner to exercise such calling on the streets, alleys or public places of the city, without first having obtained a license for so doing and the license for such privilege shall be thirty-five dollars (\$35) per year. Hucksters, within the meaning of this ordinance, are hereby defined to be retail vendors of fruits, vegetables, butter, eggs, lard, game, poultry, provisions or other farm or garden products, not raised by such vendors from their own farms or gardens, or from the farms or gardens of their employers, but purchased by them or their employers for the purpose of selling again at retail from baskets, boxes, wagons, carts or other vehicles on the streets, alleys and public places of the city. [G. O. No. 729, Sec. 1].

SEC. 584. **Auditor to furnish badge.** It shall be the duty of the city auditor to provide, at the expense of the city a badge inscribed as follows: "Licensed Huckster No. City of St. Joseph, 190. . ." with the number thereof, and the year in which the license expires, engraved or stamped thereon and to deliver to each and every person securing a license as huckster one of such badges, which badge shall be worn by the person so securing the same in a conspicuous place on his person at all times while exercising the calling of huckster. The auditor shall also provide a metallic plate inscribed as above provided, and deliver the same to hucksters licensed as herein required, who sell their produce, etc., from wagons or carts and it shall be the duty of such hucksters to place the same on the right hand side of their wagon or cart. Not more than one wagon or cart can be operated under one license. [G. O. No. 729, Sec. 2].

SEC. 585. **Vendors of fish declared hucksters.**—Any person selling fish at retail from any basket, box, cart, wagon or other vehicle, when such fish are not produced or grown on the farm or property of such person or his employer, shall be held and deemed to be a huckster, and shall not be permitted to sell and retail such fish without first having and taking out a license as huckster. [G. O. No. 630, Sec. 1].

SEC. 586. **Date of expiration of license.**—All licenses issued under this ordinance shall expire on the first day of April next succeeding the date of issue of such license and charged for from the date of issue to April first: Provided that no license shall be issued for a less sum than two and one-half dollars (\$2.50). And after April first, 1902, all licenses shall be thirty-five dollars (\$35.00) per annum. [G. O. No. 729, Sec. 3].

SEC. 587. **Penalty for violation.**—Any person who shall violate, fail, neglect or refuse to comply with any provision, regulation or requirement herein contained, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall, in case the defendant is prosecuted for having failed to take out and have a license authorizing such person to conduct such business or avocation, shall be fined in a sum not to exceed one hundred dollars. [G. O. No. 729, Sec. 4].

SEC. 588. **Wholesale hucksters.**—All persons who shall vend or sell, from railroad cars located on any railroad track or switch in the city of St. Joseph, fruit, vegetables, eggs, butter, lard, game, poultry, provisions or other farm or garden products not raised by such persons from their own farm or garden or from the farm or garden of their employers, but purchased by them or their employer for the purpose of selling again at retail or wholesale from such cars, shall be held and deemed to be wholesale hucksters, and shall pay a license as a wholesale huckster, and the charge for such license shall be \$50.00 per year, and no license shall be taken out as a wholesale huckster for a less period than one year. [G. O. No. 615, Sec. 1].

SEC. 589. **Wholesale hucksters, badge for.**—It shall be the duty of the city auditor to provide, at the expense of the city, a badge inscribed as follows: "Licensed Wholesale Huckster

No....., City of St. Joseph, 19.....” with the number thereof and the time when such license expires engraved, stamped or written thereon; and to deliver to each and every person securing a license as wholesale huckster one of such badges, which badge shall be worn by the person so securing the same, in a conspicuous place on his person at all times while exercising the calling of a wholesalesale huckster. [G. O. No. 615, Sec. 3].

SEC. 590. **Penalty for violation.**—Any person who shall carry on the business of a wholesale huckster as defined in section 588, without having obtained a license for so doing shall be deemed guilty of a misdemeanor, and on conviction, shall be fined in a sum of not less than one hundred dollars (\$100 00) nor more than two hundred dollars (\$200.00). [G. O. No. 615, Sec. 2].

CHAPTER XXII.

ICE.

SECTION

591. Ice not to be cut or stored without permit.
592. Not to be cut or stored until examined.
593. Ice dealer shall furnish samples; permit revoked and sale prohibited, when.

SECTION

594. Permit and certified copy, shall be kept, where.
595. Permit; by whom issued, provisions of, etc.; may be recalled, form of, etc.
596. Penalty.

SEC. 591. Ice not to be cut or stored without permit.—No person, firm or corporation shall within the city limits of St. Joseph, cut from or by any process remove and take any ice, for any purpose whatever, from the Missouri river, any stream, pond, pool, sinkhole or slough, nor sell, deliver or pack and store away any ice, without having obtained a permit from the board of health so to do. [R. O. 1897, Chap. 37, Sec. 1].

SEC. 592. Not to be cut or stored until examined.—Whenever any person, firm or corporation desire to cut from any body of water, or sell, deliver or pack and store away any ice, within the limits of the city, they shall make application to the clerk of the board of health for a permit so to do, and if upon examination by a proper officer authorized by the board of health to make the examination, said board is satisfied that the ice proposed to be cut, sold, delivered or packed and stored away, is clean and fit and proper to be used for drinking, culinary and refrigerating purposes, the clerk of said board shall grant a permit to the applicant. [R. O. 1897, Chap. 37, Sec. 2].

SEC. 593. Ice dealer shall furnish samples—permit revoked and sale prohibited, when.—Ice dealers shall furnish the city chemist with samples of ice from their houses or wagons whenever notified so to do by the board of health. Whenever it shall be ascertained that any ice containing any impurities whatever, and which is in the opinion of the city chemist deleterious, notice thereof shall be given in writing to such ice dealer, and all permits for the sale of all ice cut and taken from the same water

as that inspected, examined and analyzed, shall be revoked, and the sale of such ice prohibited. [R. O. 1897, Chap. 37, Sec. 3].

Sec. 594. Permit and certified copy shall be kept, where.—

A separate permit shall be obtained for the cutting, removing, storing and packing of ice, which shall state from what body of water the same is to be taken and the place or places where the same is to be stored or packed, which permit shall be kept at the body of water and the place where the ice is being cut, or from where it is being removed, and a certified copy of such permit shall be kept at the house or place where the same is being stored or packed. A separate permit shall be obtained for the sale and delivery of all ice which shall state from what body of water the same was taken or cut and the place or house wherein the same is stored or packed. [R. O. 1897, Chap. 37, Sec. 4].

Sec. 595. Permit, by whom issued, provisions of.—All permits provided for by this ordinance shall be issued by the clerk of the board of health, by and with the authority of said board. No permit for cutting ice shall be issued to cover more than three acres. The board of health may at any time recall any permit if any of the rules or orders of said board are violated. The board of health shall prescribe the form of all applications and permits provided for by this ordinance. [R. O. 1897, Chap. 37, Sec. 5].

Sec. 596. Penalty.—Any person who shall violate, fail, neglect or refuse to comply with any provision, regulation or requirement in this ordinance contained shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than twenty-five dollars nor more than five hundred dollars for each offense. [R. O. 1897, Chap. 37, Sec. 6].

CHAPTER XXIII.

INSPECTOR OF LICENSES, WEIGHTS AND MEASURES.

SECTION	SECTION
597. Office created; term of office.	603. Duty of inspector to require license.
598. Duties of inspector.	604. Additional fees on conviction, etc.
599. Fees and compensation.	605. Weight tickets.
600. Penalty for refusing to have measure tested.	606. City weights, duty of inspector, penalty.
601. Penalty for using false measure.	607. Deputy license inspector, duties, salary.
602. Proper standard must be used for testing.	

SEC. 597. Office of inspector created, appointment, term, bond.—There shall be appointed in the city of St. Joseph, by the mayor thereof, subject to confirmation by a majority of the common council, an officer to be styled inspector of licenses, weights and measures, who shall hold his office for a term of two years and until his successor is duly appointed and qualified, and before entering upon his duties he shall give bond in the sum of one thousand dollars, conditioned for the faithful performance of the duties of said office. [R. O. 1897, Chap. 39, Sec 1].

SEC. 598. General duties of.—It shall be the duty of said inspector, when any place of business is first opened in the city where scales, weights and measures or other instruments for weighing or measuring articles of merchandise or other things for purchase or sale, are used, to examine and test the accuracy of such scales, weights, measures and other instruments of weight or measurement, and to seal the same when found or made correct by him according to the standard prescribed by the United States and the State of Missouri. For such first inspection said inspector shall be entitled to charge and receive for his services in examining, testing and sealing, as hereinbefore required, from the person or persons owning or using such instruments, the fees as provided in section three of this ordinance. Further inspections may be made from time to time by the inspector, upon his own motion or at the request of any other person. Upon such subsequent inspection or examination no fee therefor shall be

collected from the person or persons owning or using the same unless the scale, weight or measure so inspected be found incorrect, when, and in such case, a like fee as provided for the first inspection shall be charged and collected, as in the first instance. If such subsequent inspection finds the scale, weight or measure correct, then the cost of such inspection shall be charged and collected from the person or persons at whose request such subsequent inspection was made. Before making such subsequent inspection, unless it be on his own motion, the inspector may require any person requesting such inspection to deposit with the city comptroller a sufficient amount of money to cover the cost thereof in case the scale, weight or measure or other instrument complained of be found correct, in which case the comptroller shall pay the inspection fee as herein provided from such deposit upon the request of the inspector. Said inspector shall, at least once in each calendar year, test and inspect all depot or track scales used by common carriers within said city, and seal the same when found correct as hereinbefore provided. [R. O. 1897, Chap. 39, Sec. 2].

Sec. 599. Fees for testing and sealing.—The said inspector shall be entitled to receive for examining, testing and sealing, as hereinbefore provided, the following fees, to wit: For all instruments of weight of capacity not exceeding two hundred pounds, fifteen cents; of capacity of over two hundred pounds and less than six hundred pounds, twenty-five cents; of capacity over six hundred pounds and less than two thousand pounds, fifty cents; of capacity over two thousand pounds, one dollar; and of scales used in weighing hay, grain, coal, live stock, or other things of a like nature, or any depot or track scales, two dollars for every set of scales tested and sealed. For all instruments of measurement, as follows: For any yard stick, dry or liquid measure, five cents; for any set of measures, twenty-five cents. [R. O. 1897, Chap. 39, Sec. 3].

Sec. 600. Refusing to have measure tested; penalty.—If any person shall fail or refuse to have any instrument of weight or measurement in his possession or use examined, tested, corrected or sealed when called upon for that purpose by the inspector, as herein provided, or to pay the established fee for the

same, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five dollars nor more than five hundred dollars. [R. O. 1897, Chap. 39, Sec. 4].

SEC. 601. Using false measure.—If any person shall use any instrument of weight or measurement in the purchase or sale of any article of merchandise or other thing, that is incorrect according to the standard prescribed by law and that has not been tested and sealed as herein provided, or if any person shall alter or permit to be altered any such instrument which has been so sealed, so as to make the same incorrect according to such standard, or shall use any such instrument or keep the same for use in the purchase or sale of merchandise or any other thing, knowing that such instrument is incorrect, whether the same has been tested and sealed or not, such person shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten nor more than five hundred dollars. [R. O. 1897, Chap. 39, Sec. 5].

SEC. 602. Proper standard must be used for testing.—If the standard used by the inspector in testing any instrument of weight and measurement, as herein provided, shall at any time be different from that prescribed by law or ordinance, the said inspector shall for such use thereof be deemed guilty of a misdemeanor, and upon conviction thereof be fined not less than twenty nor more than five hundred dollars. [R. O. 1897, Chap. 39, Sec. 6].

SEC. 603. Duty of inspector to require license.—It shall be the duty of said officer, as inspector of licenses, to ascertain what licenses are required by the ordinances of the city and to see that no person is engaged in any business or calling within the limits of the city, wherein a license is required, without first having obtained such license, and to report all persons found so engaged, to the city attorney for prosecution. [R. O. 1897, Chap. 39, Sec. 7].

SEC. 604. Additional fees on conviction, etc.—In addition to the fees hereinbefore provided for, the said inspector shall be entitled to receive as pay for his services as inspector of licenses, such annual salary as may by ordinance be prescribed, and in any

case where, upon information given by said inspector, a conviction of the offender shall be had, and the costs shall be made out of the defendant, the said inspector shall be entitled to a fee of two dollars, which shall be taxed up and collected as costs against the defendant in such case, but no such fee shall be paid to said inspector until collected from said defendant. [R. O. 1897, Chap. 39, Sec. 2].

SEC. 605. **Weight tickets.**—It shall not be lawful for any person, firm or corporation to sell and deliver any hay, coal, coke, charcoal, fire-wood or other fuel to be used in the city, unless the delivery of such articles shall be accompanied with a delivery ticket signed by the person, firm or corporation selling said fuel, stating in tons, fractional parts thereof or pounds avoirdupois, the weight thereof in the vehicle used for said delivery, unless it be wood, when the quantity shall be expressed in cords or fractional parts thereof. Said ticket shall also state the names of the seller and purchaser and said ticket shall be delivered to the purchaser of any said articles by the seller in all sales of the same and at the time of delivery. [G. O. No. 830, Sec. 1].

SEC. 606. **City weights, duty of inspector.**—The license inspector or his deputy shall have power to stop any person hauling hay, coal, coke, charcoal, fire-wood, feed or fuel of any kind in any vehicle from any yard or private scale, and require said person to exhibit the delivery ticket of said load and require said person to drive to any public or yard scales, duly tested and sealed in the vicinity, and have the same weighed, and require said person to return after delivering the load and have the vehicle weighed. The weighers of either public or yard scales shall, without delay and without charge therefor, weigh the vehicle when required to do so by the inspector or his deputy for the purpose of testing the correctness of the weight at the yard scales, and any yard scales may be used by the license inspector or his deputy for the testing and proving the accuracy in weighing of any other scales or of any draught weighed or load hauled. Any person who shall sell, deliver or attempt to sell or deliver any short, false or fraudulent weight or measure of any articles of food, fuel or merchandise of any kind, shall be guilty of misdemeanor and upon conviction shall be fined in the sum not to exceed one hundred dollars (\$100.00) for each and every offense. [G. O. No. 830, Sec. 2].

SEC. 607. **Deputy license inspector, how appointed, duties, salary.**—There is hereby created in the city of St. Joseph the office of deputy license inspector, whose duties shall be under the direction of the license inspector. He shall be under the direction of the license inspector and in his absence, shall perform all the duties of the office. The deputy license inspector shall be appointed by the license inspector and shall hold the office during the pleasure of the license inspector. The salary of such deputy license inspector shall be \$900.00 per annum, payable monthly as other city officers are paid. [G. O. No. 831, Sec. 1].

CHAPTER XXIV.

INSURANCE COMPANIES.

SECTION

608. Insurance company, license for.

SECTION

609. Penalty for doing business without license.

SEC. 608. **Insurance company, license.**—No person or association, or company of persons, or corporation, shall carry on in this city, in person or by agent, the business of any kind of insurance without a license for that purpose, and the charge for such license shall be fifty dollars per year, and no license shall be issued for a shorter period than one year. Said license shall permit the insurance company securing the same to establish but one agency in said city on said license. Any person or association, or company of persons, or corporation, desiring to have more than one agency in this city, shall be required to take out a separate license for each agency, and the charge for such license for each additional agency shall be fifty dollars per year. Nothing in this section shall be so construed as to relieve any person acting as agent for such companies from the payment of a license as insurance agent. [R. O. 1897, Chap. 40, Sec. 1].

SEC. 609. **Doing business without license—penalty.**—It shall be unlawful within the limits of the city for any person to act as agent or adjuster for any insurance company not having paid the license herein required, and any person or copartnership of persons acting for any company or companies not having paid said license shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in a sum not less than one hundred dollars. [R. O. 1897, Chap. 40, Sec. 2].

CHAPTER XXV.

INTELLIGENCE OFFICES.

SECTION

610. Intelligence office, license for.
611. License, how obtained.

SECTION

612. Penalty for fraud or deception.

SEC. 610. **Intelligence offices—license.**—No person shall establish or keep any intelligence office within the city of St. Joseph for the purpose of obtaining places or employment for male or female family domestic servants or other laborers, or for procuring or giving information concerning such places for or to such domestics, servants or laborers, or for procuring or giving information concerning such domestics, servants or laborers, for or to employers, without a license therefor from said city, and the charge for such license shall be twenty-five dollars per year. [R. O. 1897, Chap. 41, Sec. 1].

SEC. 611. **License—how obtained.**—The application for such license shall be in writing, and shall state where the proposed intelligence office shall be kept, and shall be endorsed by a police commissioner or the chief of police to the effect that the applicant is a person of good moral character. [R. O. 1897, Chap. 41, Sec. 2].

SEC. 612. **Penalty for fraud or deception.**—Any person keeping an intelligence office, as aforesaid, who shall, directly or indirectly, make use of any improper device, deceit, false representation, false pretense, or any imposition whatsoever for any improper purpose, or for the purpose of obtaining a fee, money, gratuity or other thing of value, from any customer, person or persons, or who shall ask, demand or receive any unusual or exorbitant fee for any service rendered, shall on conviction be fined in a sum not less than five dollars nor more than one hundred dollars, and the license of such person shall thereby become forfeited, and he shall be incompetent thereafter to receive a license as keeper of an intelligence office. [R. O. 1897, Chap. 41, Sec. 3].

CHAPTER XXVI.

JUNK DEALERS.

SECTION

613. Junk shop, license for.
614. Junk dealer, license for.

SECTION

615. Shall keep record of purchases.
616. Penalty.

SEC. 613. **Junk shop, license.**—No person shall keep or carry on or take part in keeping or carrying on any junk shop without a license therefor from said city, and the charge for such license shall be twenty-five dollars per year. Any stand, stall, store, room or place used or occupied for the purpose of buying, selling, offering for sale, trading or dealing in old iron, lead, brass, steel, copper or other metal, rags or paper, shall be deemed a junk shop. [R. O. 1897, Chap. 42, Sec. 1].

SEC. 614. **Junk dealer, license.**—Any person who shall be engaged as a regular business in going from house to house, and place to place in said city, and buying old iron, lead, brass, steel, copper or other metals, rags or paper, shall be deemed a junk dealer, and no person shall engage in such business without first having obtained a license therefor from said city, and the charge for such license shall be five dollars per year. [R. O. 1897, Chap. 42, Sec. 2].

SEC. 615. **Shall keep record of purchases.**—Every person keeping or carrying on, or taking any part in keeping or carrying on any junk shop shall keep a register, in which he shall, at the time of purchase or receipt, enter the names and residence of all persons from whom he shall purchase or receive any old iron, lead, brass, steel, copper or other metals, rags or paper; and he shall keep such register open, at all times, to the examination or inspection of any person asking or demanding the same. He shall, also, at all times, permit and allow any person demanding the same to examine and inspect all old iron, lead, brass, steel, copper or other metals, rags or paper, or any other article or thing whatsoever kept or stored in or around such junk shop. [R. O. 1897, Chap. 42, Sec. 3].

SEC. 616. **Penalty.**—Any person violating, failing, neglecting or refusing to comply with any provision, regulation or requirement of the next three preceding sections shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five dollars nor more than five hundred dollars. [R. O. 1897, Chap. 42, Sec. 4].

CHAPTER XXVII.

LICENSES.

SECTION

- 617. License required for what.
- 618. Agents, solicitors, etc.
- 619. Brokers, dealers in stocks, etc.
- 620. Commission merchant, live stock commission merchant, corn doctor, manicure, coal dealer or coal agent, costumer, clairvoyant or fortune teller.
- 621. Ball park, grain dealer, horse or cattle dealer, private venereal hospital, hawker, laundry, dealer in opera tickets, ordinary or restaurant, ice cream parlor or dealer or oyster parlor, photographer, sale stable, feed or boarding stable, second hand dealer, wagon yard, commercial agency, wood dealer or agent.
- 622. Loaning money on chattels, etc.
- 623. Itinerant vendor of drugs, etc.
- 624. Trading bank check or premium stamp concern.
- 625. Trading bank check or premium stamp concern—definition of.
- 626. Penalty for violation.
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- 631. Penalty.
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- 634. Vehicles—non-residents.

SECTION

- 635. Baker—license.
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- 660. Will protect employe, when.
- 661. Shall specify location—how transferable.
- 662. Penalty for violation, etc.

SEC. 617. **License required for what.** All the various objects, subjects, persons, trades, vocations and occupations within the city of St. Joseph shall be licensed, taxed and regulated as in this ordinance provided. [R. O. 1897, Chap. 43, Sec. 1].

SEC. 618. **Agents, license required for.**—No person shall engage in or carry on the business of agent for any of the occupations hereinafter mentioned without a license from said city, and the charge for such license shall be as follows:

Insurance Agent.—Ten dollars per year. An insurance agent shall be held to mean every person, firm or corporation acting as an agent for any kind of an insurance company, and keeping an account with said insurance company for money collected or money remitted.

Claim and Collection Agent.—Twenty-five dollars per year. A claim and collection agent shall be held to mean any person who exercises the business of collecting for others, for hire, claims against the government, or against corporations or private individuals: provided, that this section shall not apply to collections made by attorneys at law in the ordinary prosecution of the business of their profession.

Brewer's Agent.—One hundred dollars per year.

Manufacturer's Agent.—Twenty-five dollars per year. Any person, firm or corporation who stores and distributes goods for the manufacturer, and who does not purchase the same, shall be held to be a manufacturer's agent.

Commercial Agent.—One hundred dollars per year. Any person, firm or corporation having a place of business in this city where orders for the sale and delivery of goods are taken, and where a stock of goods is not kept regularly on hand for sale, is hereby declared to be a commercial agent.

Financial Agent or Broker.—One hundred and fifty dollars per year. Every person, firm or corporation, other than licensed banks or persons loaning money on chattels or chattel mortgages, or pawnbrokers, who, for a commission or other compensation, negotiates, obtains or effects loans of money on real estate security, or on collateral security or personal guarantees, or who effects or negotiates for the sale or purchase of stocks, bonds, bills of exchange, bullion, coined money or other money or currency, promissory notes or other securities, for others, is hereby declared to be a financial agent or broker.

Sewing Machine Agent or Dealer.—Fifty dollars per year. Any person who maintains a place of business for the sale or exchange of sewing machines belonging to any other person or cor-

poration and on the sale of which he is to receive a commission, is hereby declared to be a sewing machine agent or dealer.

Sewing Machine Solicitor.—Ten dollars per year. Any person who, at any place in the city other than his regular place of business, solicits for the sale or exchange of sewing machines, is hereby declared to be a sewing machine solicitor.

House and Real Estate Agent and Real Estate broker.—Ten dollars per year. Every person, or firm composed of one or more persons, who shall act as agent for any party in the leasing, renting or selling of houses or real estate at private or public sale, or who shall receive or collect rents for another for a commission or other compensation, or who shall advertise or hang out any sign or device which shall designate him as an agent for the renting, collecting rents, leasing or selling of houses or real estate, shall be considered as house and real estate agents. A real estate broker or agent is one who, for compensation or commission, is engaged in the buying or selling for others, or who negotiates sales of real estate belonging to others. [R. O. 1897, Chap. 43, Sec. 2].

Sec. 619. Broker.—No person, firm or corporation shall engage in or carry on the business of a broker in this city without a license therefor, and the charge for such license shall be ^{now} as follows:

Money Broker, Money Changer or Dealer in Stocks or Bonds.—One hundred and fifty dollars per year.

Insurance Broker.—Fifty dollars per year. Any person who shall, in favor of any person, firm or corporation, for commission or compensation, effect or place, or cause to be effected or placed, or shall negotiate for or obtain authority to effect or place any insurance or insurance risks in any insurance company of which he is not an accredited agent, is hereby declared to be an insurance broker. [R. O. 1897, Chap. 43, Sec. 3].

Sec. 620. Commission merchant, live stock commission merchant, corn doctor, manicure, coal dealer or coal agent, costumer, clairvoyant or fortune teller.—No person or persons shall engage in or carry on the occupation of commission merchant, live stock

commission merchant, corn doctor or manicure, coal dealer or coal agent, costumer, clarivoyant or fortune teller without first having obtained a license therefor from said city and the charge for such license shall be as follows:

Commission Merchant.—Twenty-five dollars per year. Any person, firm or corporation who shall receive consignments of goods, wares, merchandise or produce to be sold for or on account of consignor for a commission or other compensation, or who receives consignments of goods, wares, merchandise or produce not purchased or ordered by him previous to shipment, but left with, or shipped to him to be sold at the market price, or who advertises as a commission merchant through any newspaper or by his office stationery, shall be held to be a commission merchant.

Live Stock Commission Merchant.—Twenty-five dollars per year.

Corn Doctor or Manicure.—Ten dollars per year.

Coal Dealer or Coal Agent.—Twenty-five dollars per year.

Costumer.—Ten dollars per year.

Clairvoyant or Fortune Teller.—Fifty dollars per year. [R. O. 1897, Chap. 43, Sec. 3].

SEC. 621. Keeper of base ball park, grain dealer horse or cattle dealer, keeper of private venereal hospital, hawker, keeper of laundry, dealer in opera tickets, ordinary or restaurant, ice cream parlor or dealer or oyster parlor, photographer, sale stable, feed or boarding stable, second hand dealer, wagon yard proprietor, commercial agency, wood dealer or agent.—No person, firm or corporation shall engage in or carry on, in this city, any of the following trades, occupations or vocations, to wit: Keeper of base ball park, grain dealer, horse or cattle dealer, keeper of private venereal hospital, hawker, keeper of laundry, opera ticket dealer, keeper of ordinary or restaurant, ice cream parlor or dealer, oyster parlor, photographer, keeper of sale, feed or boarding stable, dealer in second hand goods, wagon yard proprietor, commercial agency, or wood dealer or agent, without a license from said city, and the charge for such license shall be respectively as follows:

Keeper of Base Ball Park.—Twenty-five dollars per year.

Grain Dealer.—Twenty-five dollars per year. Any person, firm or corporation who maintains a place of business for the purpose of buying or selling grain, whether such grain is within the city or not, is hereby declared to be a grain dealer.

Horse or Cattle Dealer.—Twenty-five dollars per year.

Private Venereal Hospital.—Fifty dollars per year.

Hawker.—Ten dollars per month or fifty dollars per year. Any person who engages in the selling of goods, wares or merchandise, or books, by crying aloud on any street or sidewalk, vacant lot or other public place, is hereby declared to be a hawker.

Keeper of a Laundry.—Twenty-five dollars per year.

Dealer in Opera Tickets.—Fifty dollars per week. Any person not in the employ of the persons or corporations owning or operating places of public amusement in this city who shall sell, offer or keep for sale, or hawk for sale tickets of admission for places of public amusement is hereby declared to be a dealer in opera tickets: Provided, that this shall not include any person who may sell tickets to charitable, benevolent or religious entertainments, or for charitable, benevolent or religious purposes.

Keeper of Ordinary or Restaurant.—Ten dollars per year. A keeper of an ordinary is one who sells or offers for sale in house, cellar, booth, shed or stand any article of meat, fruit or other food to be used, eaten or consumed in or at the place of sale.

Ice Cream Parlor, or Oyster Parlor, or Both.—Ten dollars per year, payable semi-annually on the first day of April and the first day of October of each year. [G. O. 883, Sec. 1, see —].

Photographer.—Fifteen dollars per year.

Keeper of Sale, Feed or Boarding Stable (or other place where stock is sold or kept for sale within the city.)—Fifteen dollars per year.

Second Hand Dealer.—Fifteen dollars per year.

Wagon Yard Proprietor.—Ten dollars per year.

Commercial Agency.—One hundred dollars per year.

Wood Dealer or Agent.—Five dollars per year. Any person, firm or corporation who shall engage in selling or offering for sale, either from a yard, car, wagon or other place within the city, or for future delivery, wood which is not the product of his or their own land, is hereby declared to be a wood dealer or wood agent. [R. O. 1897, Chap. 43, Sec. 5].

SEC. 622. **Loaning money on chattels.**—No person, persons, company or corporation shall engage in the business of loaning money on chattels or chattel mortgages without a license therefor from said city, and the charge for such license shall be fifty dollars per year. The loaning of money on chattels or chattel mortgages by any person, persons, company or corporation within the meaning of this section shall be taken and defined to mean all persons who carry on the business of loaning to, procuring for or causing to be loaned to, or procured for, another person or corporation, any money on chattels or chattel mortgages, as security for the payment of such loan or money, or who carry on the business of endorsing notes or other instruments, or who cause to be endorsed notes or other instruments to be delivered to a third person or corporation for the purpose of procuring a loan for any borrower who shall give a chattel security or mortgage for such loan or money. Any person, persons, company or corporation violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not exceeding fifty dollars for each offense. [R. O. 1897, Chap. 43, Sec. 6].

SEC. 623. **Itinerant vendor of drugs, etc.**—Any itinerant vendor of any drugs, nostrum, ointment or appliance of any kind intended for the treatment of disease or injury, or who shall, by writing or printing, or any other method publicly profess to cure or treat diseases, injuries or deformities, by any drug, nostrum, manipulation or other expedient, shall pay to the city a license fee of one hundred dollars per month, to be collected as other licenses are collected, and any person engaging in such occupation without

first having obtained a license therefor shall, on conviction, be fined not more than one hundred dollars for each offense, and each day of such violation shall be deemed a separate offense. [R. O. 1897, Chap. 43, Sec. 7].

SEC. 624. Trading bank checks or premium stamp concerns.—No person or association or companies of persons or corporation shall carry on or operate in this city, in person or by agent, a "trading bank check or stamp concern" without a license for that purpose, and the charge for such license shall be one hundred (100) dollars per year, and no license shall be issued for a shorter period than one year. [G. O. No. 616, Sec. 1].

SEC. 625. Trading bank check or premium stamp concerns—definition of.—Any person who shall furnish or supply to merchants or others for delivery or distribution to persons purchasing goods, wares or merchandise from such merchant or other person any stamps, checks or coupons for a stated number of which premiums or prizes are offered or given in redemption, or any person, merchant, firm, association of persons or corporation that shall furnish his or its own stamps, checks or coupons to persons so purchasing goods, wares or merchandise from such person, merchant, firm, association of persons or corporation for a stated number of which premiums or prizes are offered or given in redemption, or any person who manages, conducts or maintains a room or place for exhibiting goods, wares or merchandise or samples of goods, wares or merchandise offered or given in exchange for such stamps, checks or coupons is hereby declared to be the operator or manager of a "trading bank check or stamp concern." [G. O. 579, Sec. 2].

SEC. 626. Penalty for violation.—Any person who shall violate Section 8 of this ordinance shall, upon conviction, be fined two hundred dollars for each offense, and each day that such person conducts or operates a "trading bank check or stamp concern" without a license shall constitute a separate offense. [G. O. 579, Sec. 3].

SEC. 627. Undertakers.—No person shall in this city carry on or conduct the business of an undertaker without a license therefor from said city, and the charge for such license shall be fifty dollars per year. [G. O. 624, Sec. 1].

SEC. 628. **Penalty for violation.**—Any person violating this ordinance shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than one hundred nor more than two hundred dollars for each offense. [G. O. No. 610 Sec. 2].

SEC. 629. **Vehicles**—Hereafter no vehicle shall be used, driven or operated in or upon the streets, alleys or public places of this city without a license being paid for such use. And by reason of the fact that the streets and public places of the city are more rapidly worn and more constantly used by some vehicles than by others the following schedule of license fees is hereby fixed to be paid for such use to wit:

Hansom Cabs—When drawn by one horse or animal, \$2.00 per annum; when drawn by two or more horses or animals, \$3.00 per annum.

Hackney Coaches (called in modern parlance Hacks)—When drawn by one horse or animal, \$2.00 per annum; when drawn by two or more horses or animals, \$3.00 per annum.

Carriages—When drawn by one horse or animal, \$2.00 per annum; when drawn by two or more horses or animals, \$3.00 per annum.

Barouches—When drawn by one horse or animal, \$1.50 per annum; when drawn by two or more horses or animals \$3.00 per annum.

Buggies—When drawn by one horse or animal, \$1 00 per annum; when drawn by two or more horses or animals, \$2.00 per annum.

Wagons (other than job)—When drawn by one horse or animal, \$1.50 per annum; when drawn by two horses or animals, \$3.00 per annum; when drawn by three horses or animals, \$4.00 per annum; when drawn by four or more horses or animals, \$5.00 per annum.

Omnibuses—When drawn by one horse or animal, \$3.00 per annum; when drawn by two horses or animals, \$5.00 per annum; when drawn by three horses or animals, \$7.00 per annum; when drawn by four or more horses or animals, \$10.00 per annum.

Carts—When drawn by one horse or animal, \$1.00 per annum: when drawn by two or more horses or animals, \$2.50 per annum.

Drays —(Under this head is included vehicles used for moving iron safes and other heavy merchandise): When drawn by one horse or animal, \$3.00 per annum; when drawn by two horses or animals, \$5.00 per annum; when drawn by three horses or animals, \$7.00 per annum; when drawn by four or more horses or animals, \$10.00 per annum.

Job Wagons—When drawn by one horse or animal \$1.50 per annum: when drawn by two horses or animals, \$3.00 per annum: when drawn by three horses or animals, \$5.00 per annum: when drawn by four or more horses or animals, \$7.50 per annum.

Tally-ho—When drawn by one horse or animal, \$3.00 per annum; when drawn by two horses or animals, \$5.00 per annum; when drawn by three horses or animals, \$7.50 per annum: when drawn by four or more horses or animals, \$10.00 per annum.

Automobiles—\$10.00 per annum.

Bicycles—\$1.00 per annum.

All other vehicles of whatever kind, nature or character not hereinbefore enumerated, when drawn by one horse or animal, \$1.00 per annum: when drawn by two horses or animals, \$2.00 per annum; when drawn by three horses or animals, \$3.00 per annum; when drawn by four or more horses or animals, \$4.00 per annum. [G. O. No. 757, Sec. 1].

SEC. 630. **Vehicles, tag required.**—No person shall use or drive any vehicle required by this ordinance to be licensed, or knowingly cause or permit the same to be used or driven through, in or upon the streets or public places of the city unless a license for the same has been procured and a metal tag or plate conspicuously fastened upon the right side of the vehicle so licensed and kept so fastened. [G. O. No. 757, Sec. 2].

SEC. 631. **Penalty.**—Any person failing, neglecting or refusing to comply with any provision or regulation of this ordinance shall, upon conviction thereof, before the police judge be adjudged guilty of a misdemeanor and shall be fined not to exceed two hundred dollars (\$200.00), and each day that any person fails, neglects or refuses to comply with any provision of this ordinance shall be deemed and taken to be a separate and distinct offense. [G. O. No. 757, Sec. 3].

SEC. 632. **Vehicles—duty of auditor.**—Such licenses shall be issued by the city auditor and such metal tags or plates shall be furnished by the auditor at the expense of the city, and shall be numbered consecutively and stamped with the word which approximately designates the vehicle to which same is to be attached. All licenses issued under the provisions of this ordinance shall expire on the first day of July next succeeding the date of issue of such license. That all licenses be prorated from the passage of this ordinance until July 1, 1902, and thereafter all licenses shall be taken out for one year. [G. O. No. 757 Sec. 4].

SEC. 633. **Vehicles—fund derived from—how expended.**—The funds derived from the licenses herein provided for shall be appropriated, expended and used only for the maintenance and repair of the streets and alleys of the city of St. Joseph. [G. O. No. 757, Sec. 5].

SEC. 634. **Vehicles—non-residents.**—This ordinance shall not apply to persons non-resident of the city, and not doing business therein, but temporarily visiting in the city. [G. O. No. 757, Sec. 6].

SEC. 635. **Bakery—license.**—No person shall carry on any bakery in this city without a license therefor, and the charge for such license shall be ten dollars per year. [R. O. 1897, Chap. 8, Sec. 1].

SEC. 636. **Banks.**—No person shall carry on, or take part in carrying on, the business of a banking corporation, association or institution without a license therefor from said city and the charge for such license shall be as follows: For all such banking corporations, associations or institutions, and for the privilege of

carrying on the business of the same, there shall be paid to said city an annual license the sum of seventy-five dollars. [R. O. 1897, Chap. 9, Sec. 1].

SEC. 637. **Abstracter.**—No person, firm or corporation shall engage in or carry on the business of an abstracter of titles without a license therefor from said city, and the charge therefor shall be twenty dollars per year. [R. O. 1897, Chap. 1 Sec. 1].

SEC. 638. **Enlarging pictures or photographs—license.**—No person shall in this city carry on or engage in the occupation of enlarging pictures or photographs, or soliciting orders for enlarging pictures or photographs, to be done by himself or others, without a license therefor, and the charge for such license shall be fifteen dollars per year. [R. O. 1897, Chap. 58, Sec. 1].

SEC. 639. **Livery stables.**—It shall not be lawful for any person, firm or corporation to carry on or conduct the business of a livery stable in this city without a license therefor, and the charge for such license shall be twenty-five dollars per year, and no license shall be issued for a less period than one year. Such license shall permit the doing of a regular livery business, including the boarding of horses, but shall not be held to permit the running thereunder of a regular street hack, hackney carriage or omnibus. [R. O. 1897, Chap. 44, Sec. 1].

SEC. 640. **Same—penalty.**—Any person violating, failing, neglecting or refusing to comply with any provision, regulation or requirement of the preceding section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one dollar nor more than twenty-five dollars. [R. O. 1897, Chap. 44, Sec. 2].

SEC. 641. **Peddler defined.**—Every person who shall sell or offer any goods, wares, merchandise or other things or articles of value for sale, barter or exchange, at any place in, upon, along or through the streets, avenues or alleys by going from place to place to sell or dispose of the same shall be deemed a peddler. [R. O. 1897, Chap. 57, Sec. 1].

SEC. 642. **License required.**—It shall not be lawful for any peddler to exercise his calling within the limits of the city of St. Joseph without a license therefor from said city. Any person violating this section shall, upon conviction, be fined not more than ten dollars for each offense, and each sale or attempt to sell shall constitute a separate offense. [R. O. 1897, Chap. 57, Sec. 2].

SEC. 643. **Amounts charged therefor.**—The charge for a peddler's license shall be as follows:

First—Peddler of merchandise fifty dollars per year, or ten dollars for one month. The word "merchandise" shall be construed to mean any article to be found in any branch of the mercantile business, or any article that may be classed as goods, wares or merchandise.

Second—Peddlers of ice cream, lunches or popcorn, ten dollars per annum, payable semi-annually.

Third—Peddlers of fish, fifty dollars per year.

Fourth—Peddler of lightning rods, one hundred dollars per year.

Fifth—Peddler of horseradish or hominy or both, two and one-half dollars per year. [G. O. No. 609, Sec. 3].

SEC. 644. **Non-resident canvassers, license for.**—No person not a resident of St. Joseph shall engage in the business of selling goods, wares or merchandise at retail within said city when soliciting orders for the sale of same at the hotels or other stated places, or by canvassing from house to house in said city without first obtaining a license therefor as herein prescribed: and any person violating the terms of this section and failing to so obtain a license shall be deemed guilty of a misdemeanor, and upon conviction shall pay a fine of not more than two hundred dollars (\$200.00) for every day he engages in soliciting orders for or selling goods, wares and merchandise as hereinbefore described without first having obtained a license therefor as herein prescribed, which said license shall be in the sum of fifty dollars (\$50.00) for

each and every day such non-resident is so engaged as aforesaid, and shall be issued by the same officers and in the same manner as other licenses are now issued. [G. O. No. 822, Sec. 1].

SEC. 645. Peddling of fresh meats prohibited, when.—The peddling of fresh meats is hereby prohibited except in the months of November, December, January and February of each year, and the charge for a license for such period of four months shall be twenty-five dollars. No license for the peddling of fresh meats shall be issued for a less sum than twenty-five dollars: provided, that this section shall not prevent the sale by farmers or persons living in the country who bring and sell their own meat slaughtered by themselves, and sell it from the wagon in the city. [R. O. 1897, Chap. 57, Sec. 4].

SEC. 646 Storage house.—No person, firm or corporation shall engage in or carry on the business of keeping a storage house within this city without first having obtained a license therefor, and the charge for such license shall be twenty-five dollars per year. Any person, firm or corporation who receives or advertises to receive goods, wares, merchandise, household goods or other personal property to be stored and kept for the owner or other person for pay or compensation shall be deemed a keeper of a storage house. [R. O. 1897, Chap. 71, Sec. 1].

SEC. 647. Express or telegraph company must have license.—It shall not be lawful for any express or telegraph company, or its agency, to transact any express or telegraph business within the limits of the city of St. Joseph without first having obtained a license therefor according to the provisions of this ordinance under penalty of not less than one hundred dollars nor more than five hundred dollars for each offense. [R. O. 1897, Chap. 73, Sec. 1].

SEC. 648. Same—license.—Every express and telegraph company, or agency, doing an express or telegraph business in the city of St. Joseph, shall pay to the city collector for the use of said city for a license to transact such express or telegraph business the sum of one hundred and fifty dollars per annum: and every license issued under the terms of this chapter shall expire on the first day of January next following the date of its issue. [R. O. 1897, Chap. 73, Sec. 2].

SEC. 649. **Property of to be taxed.**—Each and every express and telegraph company, or agency therefor, transacting business in the city of St. Joseph, in addition to the license provided for in this chapter, shall be taxed upon the assessed value of all real and personal property owned by any such express or telegraph companies within the limits of said city. [R. O. 1897, Chap. 73, Sec. 3].

SEC. 650. **The word "person" defined.**—The word "person," wherever used herein, shall include the plural number and corporation in all cases where the words corporation or corporations are not used. [R. O. 1897, Chap. 43, Sec. 8].

SEC. 651. **Term of license, etc.**—All licenses issued by this city shall terminate and expire one year from the time such business was commenced, or in case of a renewal one year from expiration of the former license, except when it is especially provided for a shorter period than one year. The date of expiration, together with the date of issue and the name and address of the licensee, shall be plainly written in the license and no license shall be issued for a less sum than two and one-half dollars. Any license issued contrary to the provisions herein contained shall be deemed void. [R. O. 1897, Chap. 43, Sec. 9].

SEC. 652. **All licenses to be posted.**—It is hereby made the duty of all persons, companies or corporations doing business in this city, and required under the ordinances of the city to take out a license therefor, to post such license in a conspicuous place at their place of business. Provided, that any person engaged in any calling not requiring a settled place of business shall carry his license with him while engaged in the transaction of such business, or have it readily accessible when called upon to show it by any police or other officer of the city. Any person, company or corporation who shall fail, neglect or refuse to comply with the provisions of this section shall, upon conviction, be fined in a sum not exceeding five dollars. [R. O. 1897, Chap. 43, Sec. 10].

SEC. 653. **Inspector of licenses must keep a record, etc.**—The inspector of licenses, weights and measures shall keep a book containing a complete and perfect record of all licenses issued, showing the nature of the license, its date, expiration and to whom

issued. In order that said record shall be complete and perfect the city auditor shall furnish said inspector, at the end of every week, a complete list of all licenses issued during each week, showing the nature of the license, its date, expiration and to whom issued. At the end of each month both said auditor and said inspector shall furnish the city attorney a list of all persons delinquent in license dues. [R. O. 1897, Chap. 43, Sec. 11].

SEC. 654. **License must be paid for.**—The city auditor shall not furnish any license until the party applying for the same shall have paid into the city treasury the sum of money charged therefor by ordinance. [R. O. 1897, Chap. 43, Sec. 12].

SEC. 655. **Treasurer must give receipt.**—The city treasurer shall, upon payment to him of the charge for any license, give a receipt, stating the amount paid, the nature of the license desired, for what time and to whom to be issued. The receipt shall be delivered to the city auditor, who shall at once issue to the proper party the license desired. [R. O. 1897, Chap. 43, Sec. 13].

SEC. 656. **License to be signed by auditor.**—All licenses shall be signed by the city auditor and countersigned by the city comptroller, and shall be invalid for all purposes until so signed and countersigned. The comptroller shall prescribe the form of all licenses. [R. O. 1897, Chap. 43, Sec. 14].

SEC. 657. **Auditor to keep record of licenses.**—The auditor shall keep a register of all licenses, showing their nature, date, expiration and to whom issued. [R. O. 1897, Chap. 43, Sec. 15].

SEC. 658. **Auditor shall preserve receipts.**—The auditor shall preserve the receipts given by the treasurer for charges paid for licenses, and shall immediately charge the treasurer with the amount of such receipts. [R. O. 1897, Chap. 43, Sec. 16].

SEC. 659. **May be issued to two or more jointly.**—A license may be issued to any corporation, association or partnership, or to two or more persons engaged in any joint enterprise, the same as to a single person and for the same charge. [R. O. 1897, Chap. 43, Sec. 17].

SEC. 660. **Will protect employe, when.** Licenses in favor of employers shall protect the employe of the person, partnership, association or corporation, including officers of corporations engaged by the licensee or licensees in conducting or carrying on the business, trade or vocation licensed, at the place named in the license, except where such employe receives compensation other than a regular salary. [R. O. 1897, Chap. 43, Sec. 18].

SEC. 661. **Shall specify location—how transferable.**—All licenses hereafter issued under any ordinance of this city shall state the street and street number or locality where business is authorized to be carried on under such licenses, and the same can only be used by the party or parties to whom issued: Provided, that whenever a party to whom such license may be issued shall sell his stock and business in good faith he may, with the approval of the license inspector, transfer the license to the purchaser, who can use such assigned license only at the stand or place mentioned therein: the license inspector shall report all such transfers to the auditor and comptroller, who shall keep a record of all transfers. [R. O. 1897, Chap. 43, Sec. 19].

SEC. 662. **Penalty for violating, etc.**—Any person who shall violate, fail, neglect or refuse to comply with any provision, regulation or requirement herein contained shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, in case the defendant is prosecuted for having failed to take out and have a license authorizing such person to conduct such business or avocation, be fined in a sum not less than the smallest amount herein required to be paid to procure such license, except where otherwise specifically provided, and in any other case where no special penalty is provided a sum not less than five dollars nor more than one hundred dollars: provided, that whenever any person shall be brought before the judge of the police court charged with carrying on any business or avocation herein specified without having a license therefor, and such person shall after his arrest procure the license required, and shall enter a plea of guilty to such charge, said judge shall, in addition to costs, enter a fine against said person of not to exceed twenty-five dollars. [R. O. 1897, Chap. 43, Sec. 20].

CHAPTER XXVIII.

MARKETS.

ARTICLE

I. Markets; regulations for.

ARTICLE

II. Market master.

ARTICLE I.

MARKETS—REGULATIONS FOR.

SECTION

- 663. Designation and location of markets.
- 664. Market master to keep plat of premises.
- 665. Public buildings committee to fix rental of stalls, etc.
- 666. Market stalls, etc., time of letting.
- 667. Market spaces limited.
- 668. Market stalls, cleanliness of to be enforced.
- 669. Use of certain lights and oils prohibited in city hall.
- 670. Lease adjudged forfeited, when.
- 671. Penalty for occupying forfeited stall.
- 672. Market, open when.

SECTION

- 673. Unwholesome meats, sale of prohibited.
- 674. Killing and dressing animals, throwing of offal, etc.
- 675. No "gut fat," heads or shanks permitted at, etc.
- 676. Lessees only to sell fresh meat, etc.
- 677. Stalls to be painted and white-washed.
- 678. Vegetable stands.
- 679. Vehicle to stand as directed; price for each attendance.
- 680. Hay market.
- 681. Same; vehicles to stand as directed, fees, etc.
- 682. Penalty.

SEC. 663. **Markets—designation and location of.**—The west half of block number thirty-one, in the original town now city of St. Joseph, designated as the Market Square on the plat of said town, together with the buildings thereon, are constituted and established as the Central market; the east half of block number thirty-seven, in Patee's addition, designated as market place on the plat of said addition, together with the buildings thereon, are constituted and established as the Patee market. [R. O. 1897, Chap. 45, Art. 1, Sec. 1].

SEC. 664. **Market master shall keep plat.**—The market master shall keep a plat of the Central Market premises, designating on said plat the space to be occupied by wagons severally, and stands and stalls outside and within. [R. O. 1897, Chap. 45, Art. 1, Sec. 2].

SEC. 665. Public buildings committee to fix rental of stalls, etc.—The committee on public buildings before the first Monday in June of each year shall meet and fix the rental of each space, stand or stall designated on the plat of said premises and furnish the market master and comptroller each a schedule of such rentals. [R. O. 1897, Chap. 45, Art. 1, Sec. 3].

SEC. 666. Market stalls, etc.—when offered for lease.—At 10 o'clock a m. on the third Monday in June of each year the market master shall offer for lease, publicly, on the premises at such prices as may be fixed in the schedule furnished by the committee on public buildings the several spaces, stands or stalls designated on the market master's plat. Every person leasing any space, stall or stand shall, in all cases, be required to pay their rent monthly in advance. No lease shall be construed to authorize any other person except the lessee to occupy such stall or stand, nor shall the same be transferable. [R. O. 1897, Chap. 45, Art. 1, Sec. 4].

SEC. 667. Market spaces limited.—The use of more than three feet of space next to the building by occupants of stalls in the market house, and of more than four feet of space of sidewalk next to the curbing by renters of wagon stalls adjoining for the display of produce, goods, wares or merchandise of any kind is hereby prohibited. [R. O. 1897, Chap. 45, Art. 1, Sec. 5].

SEC. 668. Market stalls—cleanliness to be enforced.—The occupants of all places, stalls or stands in the market building shall keep the same in a clean and sanitary condition, shall not permit the accumulation of filth or rubbish, and shall not keep live fowls or animals therein, nor any other offensive matter whatever. The market master is required to enforce the provisions of this section, and any such occupant failing to comply with the orders of the market master in pursuance of this ordinance shall be guilty of a misdemeanor, and, in addition to any fine that may be imposed on him, shall be subject to ejectionment from said market building. [G. O. No. 828, Sec. 6].

SEC. 669. Use of certain lights and oils prohibited in city hall.—All persons occupying the city hall or market house, or any of the stalls or buildings appurtenant thereto, are prohibited from using any artificial lighting in or about said building or on

said premises, excepting gas and electricity, and any such person shall not hereafter keep on the said premises for any purpose whatever any oils for lighting purposes or for sale, such as gasoline, coal oil, petroleum or the various products of petroleum. Any person violating this section shall be punished by a fine of not exceeding fifty dollars. [G. O. No. 761, Sec. 1].

SEC. 670. Lease adjudged forfeited, when.—If the lessee of any stall or stand shall be twice convicted of violating any ordinance or any lawful rule or regulation of the market master in relation to markets his lease shall be adjudged forfeited; and it shall be the duty of the market master to take possession of the same in behalf of the city and to lease the same for the unexpired term. [R. O. 1897, Chap. 45, Art. 1, Sec. 7].

SEC. 671. Occupying forfeited stall—penalty.—If any lessee of any stand or stall whose lease shall have been forfeited, or any other person without a lease or permission as herein provided shall hold, use or occupy any stall or stand in any market in said city he shall be subject to a fine of not less than five dollars for each and every day he shall use or occupy such stall or stand. [R. O. 1897, Chap. 45, Art. 1, Sec. 8].

SEC. 672. Market kept open, when.—Each market shall be kept open from the dawn of the day until ten o'clock a. m. during the months of April, May, June, July, August and September, and until eleven o'clock a. m. during the months of October, November, December, January, February and March of each day in the week, except Sunday, and may be open from four o'clock till eight o'clock in the afternoon on Saturday, and the market master shall announce, by the ringing of a bell, the closing of the market house, at least ten minutes before the time of closing. [R. O. 1897, Chap. 45, Art. 1, Sec. 9].

SEC. 673. Unwholesome meats, sale of prohibited—No person shall expose for sale, in any market or elsewhere in said city, any emaciated, tainted or putrid meat, or the flesh of any diseased animal, or provisions which, from these or other causes, may be deemed unwholesome, under a penalty of not less than twenty dollars nor more than one hundred dollars; and the unwholesome meat or other provisions so exposed for sale shall, without delay, upon view of the market master, be seized and destroyed. [R. O. 1897, Chap. 45, Art. 1, Sec. 10].

SEC. 674. **Killing and dressing animals, throwing of offal, etc.**—No person shall kill or dress any animal or fowl in any market, or throw or permit any bones, filth, slop, offal, water or other liquid, or other substance, to be thrown out of the doors or windows or around any market (except in places which may be provided for the purpose), or sweep or deposit any dirt or filth of any description in or upon any passageway in any market or in or upon the streets adjacent thereto. [R. O. 1897, Chap. 45, Art. 1, Sec. 11].

SEC. 675. **No “gut fat,” heads or shanks permitted at, etc.**—No person shall, between the first day of May and first day of November in any year, bring into or place, or suffer or permit to be brought into or placed, in any market, any untried fat, commonly called gut fat, nor at any time or season the heads, shanks or feet of any animal, unless the same be skinned or properly cleansed, nor any hides or skins of any kind, except the hides of calves (these shall be removed from the market as soon as taken from the veal), under a penalty of not less than five dollars for each offense. [R. O. 1897, Chap. 45, Art. 1, Sec. 12].

SEC. 676. **Lessees only to sell fresh meat, etc.**—No person other than lessees of butchers' stalls shall sell or offer for sale in market any fresh meat, except venison, in less quantities than one quarter. [R. O. 1897, Chap. 45, Art. 1, Sec. 13].

SEC. 677. **Stalls to painted and whitewashed.**—The lessees of the butchers' stalls shall each cause his stall to be painted, and the walls thereof to be whitewashed, at least once in each year. [R. O. 1897, Chap. 45, Art. 1, Sec. 14].

SEC. 678. **Vegetable stands.**—Every occupant of a vegetable or other stand shall, within thirty minutes after the ringing of the bell for the close of market, cause all articles exposed for sale at such stand to be removed therefrom and all offal and rubbish to be removed from the market, and all butchers shall cause their tables and meat blocks to be thoroughly scraped and cleaned, and no vehicle shall be permitted to remain on the market after the close of market hours, except by permission of the market master. [R. O. 1897, Chap. 45, Art. 1, Sec. 15].

SEC. 679. **Vehicles to stand as directed—price for each attendance.**—All vehicles in which articles are brought to market and exposed for sale, shall stand in such order and manner as the market master may direct. Every person attending the central market with a wagon or other vehicle, occupying space on said market, or who shall occupy parts of tables and stands under the direction of the market master, for the purpose of selling fruits, vegetables, game, poultry, fish, eggs, butter, lard or other provisions, or farm or garden products, shall each pay to said market master, for the use of the city, the sum of ten cents for each market attendance. [R. O. 1897, Chap. 45, Art. 1, Sec. 16].

SEC. 680. **Hay market, location of.**—The north half of Lafayette street, between Tenth street and the alley dividing block 37, Patee's addition, and the west half of Tenth street for a distance of one hundred and thirty-five feet north of Lafayette street, is hereby designated as a hay market. [R. O. 1897, Chap. 45, Art. 1, Sec. 17].

SEC. 681. **Same; vehicles to stand as directed, fees, etc.**—All vehicles in which hay, grain, feed or country produce of any kind are brought to Patee market and exposed for sale, shall stand in such order and manner as the weighmaster shall direct, and unless said vehicle with its contents is weighed on the city scales on said market, the owner or driver or other person in charge thereof, shall pay to said weighmaster, for the use of the city, the sum of ten cents for each attendance at the market. Any driver, owner or person in charge of any such vehicle, failing or refusing to comply with the provisions of this section, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than one dollar nor more than twenty-five dollars. [R. O. 1897, Chap. 45, Art. 1, Sec. 18].

SEC. 682. **Penalty.**—Any person who shall fail or neglect to comply with any or either of the foregoing requirements of this ordinance, or who shall violate any section, clause or provision of any of the preceding sections thereof where no penalty is especially imposed, shall on conviction, pay a fine of not less than two dollars nor more than one hundred dollars. [R. O. 1897, Chap. 45, Art. 1, Sec. 19].

ARTICLE II.

MARKET MASTER.

SECTION

683. Appointment; term of office;
bond.
684. General duties of.
685. Market master must report.

SECTION

686. To weigh articles; exposed for
sale.
687. Police powers of.

SEC. 683. **Market master, appointment of.**—There shall be appointed in the city of St. Joseph, by the mayor thereof, subject to confirmation by a majority of the common council, an officer to be styled market master of the Central Market, who shall hold his office for a term of two years and until his successor is duly appointed and qualified, and who shall receive such compensation for his services as may by ordinance be prescribed, and who shall, before entering upon the duties of his office, execute a bond to the city of St. Joseph, in the penal sum of one thousand dollars (\$1,000.00) conditioned for the faithful performance of the duties of said office. [G. O. No. 568, Sec. 1].

SEC. 684. **General duties of, etc.**—It shall be the duty of said market master to attend, either in person or by deputy, at the market every day during market hours; to exercise a general supervision over the market, and to enforce all ordinances, rules and regulations that may from time to time be established for the government thereof; to enforce order and decide all disputes which may arise between buyer and seller touching the weight and measure of any article; to superintend the cleaning of the market and cause the same to be sprinkled with water, whenever it shall be necessary to prevent and lay the dust; to examine the weight and quantity of all articles exposed for sale, and seize all which are of less weight or quantity than represented by the seller, and upon such seizure, to expose the same for sale at public outcry in the market, and pay the proceeds of said sale into the city treasury; to collect all rents for stalls, stands and tables, and to pay all moneys received by him on account of the city into the city treasury on the first day of each month. [G. O. No. 898, Sec. 2].

SEC. 685. **Market master shall report monthly.**—The market shall, on the first day of each month, make a report to the city comptroller of the business of his office during the month preceding, showing the total amount of fees collected by him, together with such other facts as the comptroller may require. [R. O. 1897, Chap. 45, Art. 1, Sec. 3].

SEC. 686. **Shall weigh articles, when.**—The market master shall keep suitable scales and measures to be duly sealed by the inspector of weights and measures, and, whenever requested, shall weigh or measure any article exposed for sale in market; and he shall collect, for the use of the city, five cents for weighing or measuring each article, to be paid by the person requesting the same to be weighed.—[G. O. No. 897, Sec. 4].

SEC. 687. **May arrest for disorderly conduct.**—The market master, while on duty as such, is hereby clothed with all the powers of policemen, and it is his special duty to arrest and take before the judge of the police court, any person who is guilty of any violent, turbulent or disorderly conduct in, or who shall be guilty of a violation of any ordinance, rule or regulation for the government, conduct and management of the market. [R. O. 1897, Chap. 45, Art. 2, Sec. 5].

CHAPTER XXIX.

MEAT SHOPS.

SECTION

688. Meat shop, license for.
 689. Shop must be kept clean.
 690. Under control of board of health.

SECTION

691. License shall designate location.
 692. Penalty.
 693. Wholesale dealer, license required.

SEC. 688. **Meat shop or stand, license for.**—No person or persons or copartnership of persons shall open or keep a meat shop or stand in the city of St. Joseph, without having obtained a license therefor, as follows: Any person, persons or copartnership of persons doing business as retail meat shop keeper or keepers, within the limits of the city of St. Joseph, shall pay an annual license of twenty-five dollars, in advance, which respective license shall authorize and empower such person, persons or copartnership of persons, to sell in their shops or stands for which they have procured a license, all kinds of fresh and salt meats, fresh and salt fish, sausage and sausage meats, whether made by them or not, and also all kinds of fowl and game in their proper season, that is not prohibited being sold or offered for sale by any ordinance of this city or law of this state: all kinds of vegetables and fruit in large or small quantities, for one year from the date of such license; Provided, That nothing in this section shall be so construed as to include licensed grocers and merchants who sell smoked, cured meats, fresh and salt fish and smoked sausage. [R. O. 1897, Chap. 47, Sec. 1].

SEC. 689. **Cleanliness—requirements.**—Every person who is duly licensed as herein required, shall keep his meat shop or stand properly cleaned and free from all foul smells and nuisances of every description, and on failure thereof shall be deemed guilty of a misdemeanor. [R. O. 1897, Chap. 47, Sec. 2].

SEC. 690. **Board of health, control of.**—All meat shops shall be under the control of the board of health, which shall have power, by a majority of the board, to declare any one of the

same a nuisance, for good and sufficient cause, which finding, when recorded in their proceedings and a copy thereof served upon the party licensed, shall operate as a canceling of his license and a prohibition of all sales thereunder. [R. O. 1897, Chap. 47, Sec. 3].

SEC. 691. **License shall designate location, etc.**—Every license shall contain the name of the person in whose name it is issued, and shall designate the location of the meat shop or stand, and shall be and remain during its continuance posted in some conspicuous place in the meat shop or stand. [R. O. 1897, Chap. 47, Sec. 4].

SEC. 692. **Penalty.**—Any person who shall keep in this city any meat shop or stand without having obtained a license therefor, or who shall violate any of the provisions in relation thereto herein contained, shall be guilty of a misdemeanor, and upon conviction thereof be fined not less than ten nor more than fifty dollars for each offense. [R. O. 1897, Chap. 47, Sec. 5].

SEC. 693. **Wholesaler, license.**—No person shall engage in the business of selling or offering for sale any fresh meats at wholesale in the city of St. Joseph, either from a house, store, shed, car, wagon, or other place, without first having a license from said city as a wholesale meat dealer, and the charge for such license shall be one hundred dollars per year. [R. O. 1897, Sec. 6].

(For penalty for violating Sec. 688, see Sec. 662, Chap. 27, entitled "licenses.")

CHAPTER XXX.

MERCHANT'S LICENSE.

SECTION

- 694. Merchant defined.
- 695. Penalty for selling without license.
- 696. Annual license to be taken out, when.
- 697. Statement of cash value of goods to be filed
- 698. Duty of assessor receiving statement.
- 699. Proceedings to obtain license—form of bond.
- 700. Form of license.
- 701. Auditor to make statement.

SECTION

- 702. Duty of assessor to make list, etc.
- 703. Taxes to be extended.
- 704. License, how obtained after January.
- 705. Taxes extended and collected.
- 706. License, etc., after first of August.
- 707. License good after dissolution of partnership.
- 708. No intoxicating liquors to be sold.
- 709. Penalty for violating, etc.

SEC. 694. **Merchant defined.**—Every person, copartnership or corporation, who shall engage in the selling of any goods, wares or merchandise, at any store, stand or place occupied for that purpose, within the limits of the city of St. Joseph, is hereby declared a merchant. [R. O. 1897, Chap. 48, Sec. 1].

SEC. 695. **Penalty for selling merchandise without license.**—No person, copartnership or corporation shall sell or offer for sale any goods, wares or merchandise within said city, without first having obtained a merchant's license, in compliance with the provisions of the general law governing cities of the second class, and the ordinances of said city; every merchant violating this section shall be deemed guilty of a misdemeanor, and upon conviction shall be subject to a fine of not less than twenty-five dollars nor more than five hundred dollars for each day he or they do business without such license. [R. O. 1897, Chap. 48, Sec. 2].

SEC. 696. **Annual license to be taken out, when.**—Merchants shall take out their annual licenses between the first day of January and the fifteenth day of February in each year. [R. O. 1897, Chap. 48, Sec. 3].

SEC. 697. **Must file statement of cash value of goods, etc.**—Before any merchant shall be entitled to receive a merchant's

license under the provisions of this ordinance, such merchant shall file with the city assessor a sworn statement showing the actual cash value of the highest amount of goods, wares and merchandise owned by him for sale, at any time within three months before the first day of January of such year for which license is required. Such statement shall include all goods, wares and merchandise, which he may have in his possession or under his control, owned by him, and shall be signed and verified by the affidavit of such merchant or some creditable person authorized to sign and verify such statement. [R. O. 1897, Chap. 48, Sec. 4].

SEC. 698. Duty of assessor receiving statement.—The city assessor shall, upon such statement being filed in his office, properly signed and verified, make out and deliver to the city auditor a certificate stating that such person, naming him, has filed the statement required by the ordinances of the city, also, giving the cash value of his goods, wares and merchandise returned, and the location of his store, stand or place of business. [P. O. 1897, Chap. 48, Sec. 5].

SEC. 699. Proceedings to obtain license, form of bond.—The city auditor shall, upon the receipt of such certificate from the assessor, issue a license to the person named in such certificate, which license shall be countersigned by the city comptroller: Provided, That such person named in the certificate of the assessor executes a bond to the city of St. Joseph, with at least two resident householders, of such city, as securities, to be approved by the city auditor, who shall endorse his approval thereon; the applicant for license must deliver his bond to the city auditor before the license is issued and delivered to him. The city auditor shall return said bond to the comptroller, who shall file the same in his office. Said bond shall be in the following form:

Know all men by these presents, that we,as principal, andas securities, are held and firmly bound unto the city of St. Joseph in the penal sum of.....dollars, for the payment of which we bind ourselves, our heirs, executors and administrators firmly by these presents. Sealed with our seals and dated this... day of....., A. D. 18.... The condition of the foregoing obligation is such that whereas.....ha...this day received a license to do business in said city as merchant...for the year ending De-

ber 31st, 18...; now if the said.....shall, on or before the 1st day of September, 18..., pay to the collector of said city all taxes which may be due upon such license for the year ending on the last above mentioned date, then this bond to be void; otherwise to remain in full force.

.....[SEAL.]
[SEAL.]
[SEAL.]

Approved this....day of.....A. D. 18....
Auditor.

The penalty of which said bond shall be, when the valuation as shown by the statement required in this ordinance does not exceed twenty-five hundred dollars, the sum of one hundred dollars; and when the valuation exceeds twenty-five hundred dollars, an additional sum of one hundred dollars for each twenty-five hundred dollars or fractional part thereof. Upon such bond being approved by the auditor, he shall grant a merchant's license to the applicant, in form as hereinafter provided. [R. O. 1897, Chap. 48, Sec. 6].

SEC. 700. **Form of license.**—All licenses issued under this chapter shall expire on the thirty-first day of December next after the time of such issuing, and shall be in the following form:

The city of St. Joseph to all who may see these presents, greeting: Know ye, that.....having filed statement, and on theday of.....A. D. 18.., given bond as required of him, for the payment of all lawful taxes which may be due upon this license, therefore the said.....is hereby authorized to do business as...merchant...at any one place within said city for..... months, ending the thirty-first day of December next. In testimony whereof, I have hereunto set my hand and caused the seal of the city to be affixed, this.....day of.....A. D. 18....

Granted this.....day of.....A. D. 18....
Auditor.

Countersigned:
Comptroller.

[R. O. 1897, Chap. 48, Sec. 7].

SEC. 701. **Auditor to make statement.**—The city auditor shall, at the end of each month, make a statement in detail of all merchants' licenses issued by him during said month, showing the name of the person or persons to whom granted, the place

of business and the date thereof; also the cash value of the highest amount returned to the assessor by each person, which said statement shall be filed in the office of the city comptroller, and by him laid before the common council at its first stated meeting thereafter. [R. O. 1897, Chap. 48, Sec. 8].

SEC. 702. **Duty of assessor to make list.**—The city assessor shall make a complete list of all merchants who have filed **their** statements showing the cash value of the highest amount of goods, wares and merchandise owned and kept on hand by them for sale at any time within three months before the first day of January of such year, for which the assessment is made, and deliver the same to the common council at the same time he is required to deliver the assessment books. [R. O. 1897, Chap. 48, Sec. 9].

SEC. 703. **Taxes to be extended.**—The city auditor shall extend the taxes for general and special purposes in the same manner that he does on other property subject to taxation. [R. O. 1897, Chap. 48, Sec. 10].

SEC. 704. **License, how obtained after January, etc.**—It shall be the duty of every person, copartnership or corporation intending to commence business as merchants in the city of St. Joseph at any time after the first day of January in any one year, or at any time during the fiscal year, to furnish the city assessor a sworn statement of the value of his or their goods, wares or merchandise; and the city assessor shall thereupon ascertain the value of such goods wares and merchandise, and return the same with the other lists to the common council; Provided, the statements are filed with him before the fifteenth day of March, each year. If the statements are filed with him after the fifteenth day of March, he shall ascertain the value of such goods, wares and merchandise and return an assessment thereof to the city auditor. If such person, copartnership or corporation is dissatisfied with such assessment, he or they may appeal to the common council, at its first stated meeting thereafter, and the common council shall then ascertain and fix the value of said goods, wares and merchandise, by resolution, which value, so determined, shall be certified to the city auditor by the city clerk. [R. O. 1897, Chap. 48, Sec. 11].

SEC. 705. Taxes extended and collected.—When such assessment is completed, the city auditor shall issue a license to such person in form and manner heretofore prescribed; and the auditor shall thereupon extend the tax for each year, for general and special purposes, and deliver a certified copy to the city treasurer. The tax so extended shall bear the same proportion to the amount of the annual levy for general and special purposes for each year, as the time to the end of the fiscal year is to one year; Provided, that in making such pro rata reduction no fractional part of any month shall be computed, but the time shall in all cases be estimated as from the first day of the month in which such statement is filed. On delivery of the certified copy of the tax extended, the treasurer shall file the same and give duplicate receipts therefor, stating the amount levied and the name of the person therein named, one of which shall be filed with the auditor and the other with the comptroller, which amounts are to be collected and paid in the same manner as other taxes. [R. O. 1897, Chap. 48, Sec. 12].

SEC. 706. How obtained after the first of August.—When any person, copartnership or corporation shall file their statements on or after the first day of August, and the assessment is completed, a statement thereof shall be filed with the city auditor, who shall thereupon make out and deliver to the city treasurer a certificate stating the amount for such license. On delivery of the certificate to the city treasurer he shall file the same, and on payment of the amount thereof, the city treasurer shall make and sign duplicate receipts therefor, one shall be filed with the city auditor, the other with the city comptroller. Upon filing said receipt, the city auditor shall sign and issue a license for the remainder of such year, which license shall be countersigned by the city comptroller. Said license shall state the amount of taxes so paid, which amount shall be charged to the city treasurer. [R. O. 1897, Chap. 48, Sec. 13].

SEC. 707. License good after dissolution of partnership.—If any copartnership shall be dissolved by operation of law, by limitation or by mutual consent, then the person or persons having the stock in charge, as successors, may continue the business for the remainder of the year without any other additional license. [R. O. 1897, Chap. 48, Sec. 14].

SEC. 708. **No intoxicating liquors to be sold.**—No license granted under this chapter shall authorize any merchant to sell vinous, fermented or spirituous liquors in any quantities to be drunk at his store, stand or place of business. [R. O. 1897, Chap. 48, Sec. 15].

SEC. 709. **Penalty for violating, etc.**—Any person, copartnership or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five dollars nor more than five hundred dollars. [R. O. 1897, Chap. 48, Sec. 16].

CHAPTER XXXI.

MILK.

SECTION

- 710. Impure milk or cream, sale of prohibited.
- 711. Hotel, etc., shall not offer to guests.
- 712. Milk or cream dealer, license for.
- 713. Conditions of license.
- 714. Milk dealer shall obtain license, register, etc.
- 715. Cows, stables, etc., inspection of.
- 716. Adulterations, manufacture of prohibited.

SECTION

- 717. Informer shall receive part of fine imposed.
- 718. Duties and powers, on what officers imposed.
- 719. Complaints, to whom made.
- 720. Record kept at office of board of health.
- 721. City attorney shall report result of prosecutions.
- 722. Penalty.

SEC. 710. **Impure milk or cream, sale of prohibited.**—Special and constant attention shall be given to the inspection, examination and analysis of milk and cream sold or offered for sale within the city. Any person who shall sell or offer for sale any skimmed milk without informing the purchaser that it is skimmed milk, or any cream or milk having therein and containing any foreign substance whatever, or any adulteration or preservative, whatever, for the purpose of artificially increasing the quantity of the milk or cream or for preserving the sweetness and condition thereof, or for any other purpose whatever, or any diluted milk or cream, or any milk containing less than twelve per cent of total solids, except skimmed milk, three of which shall be of fat, shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine of not more than two hundred dollars or by imprisonment in the city jail or workhouse not more than six months; or by both such fine and imprisonment. Any person who shall be convicted the second time for having violated any of the provisions of this section, shall, for such second offense, be punished as already provided herein, and in addition thereto his milk and cream license shall be revoked. [R. O. 1897, Chap. 49, Sec. 1].

SEC. 711. **Same; hotel, etc., shall not offer to guests.**—Any hotel, boarding house or restaurant keeper, owner, manager or steward who shall set before or offer to any boarder, guest or

customer thereof any diluted milk or any cream or milk having and containing therein any adulteration or preservative or any foreign substance whatever, shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine of not more than fifty dollars. [G. O. No. 408, Sec. 2].

Sec. 712. Milk or cream dealer, license for.—No person shall sell any milk or cream within the city of St. Joseph, or carry on the business of a milk or cream dealer, nor shall any person use or operate any milk wagon or vehicle from which milk or cream is delivered to customers in the city of St. Joseph, without first obtaining from the city a license therefor. The charge for a license as a milk or cream dealer shall be five dollars (\$5.00) per year. The charge for a license for each wagon or vehicle used for the delivery or sale of milk or cream shall be five dollars (\$5.00) per year. Every person owning or using any milk wagon or vehicle from which milk or cream is delivered to customers in this city shall keep in plain legible letters large enough to be read 50 feet away, printed on the right hand corner of said wagon, the number of the license issued for such wagon, and the date of its expiration. Any person who shall fail or neglect to comply with any of the provisions of this section, shall be deemed guilty of a misdemeanor, and upon conviction, shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars. [G. O. No. 617, Sec. 1].

Sec. 713. Conditions of license.—Every such license shall be issued on the express condition that the licensee shall at all times permit officers or representatives of the city to visit, examine and inspect all cows, feed therefor, stables, pastures, and lots where the cow or cows of such licensee are kept and secure such permission for such inspection and examination from all persons from whom he obtains milk and cream to be sold or offered for sale; and an analysis or examination shall be made of milk or cream obtained, by the proper officer, from each licensee; and it shall be the duty of such licensee at all times when demanded to furnish free of charge such small quantities of milk and cream as shall be necessary for such examination or analysis. Failing or refusing to comply with such conditions and requirements shall be cause for revoking such license. [R. O. 1897, Chap. 49, Sec. 4].

SEC. 714. Milk dealer shall obtain license, register, etc.—

Every person who may be selling or offering for sale milk or cream at the time of the approval or final passage of this ordinance shall, within twenty days after the appointment of the clerk of the board of health, obtain the license herein provided for, and register his name on a record to be kept for such purpose by the clerk of the board of health, together with the names and postoffice address of all persons from whom he obtains his milk or cream, and also the location of the stables or pastures where the cows from which such milk was obtained are kept. And every person who may hereafter enter into and engage in the milk or cream business shall also register as in this section provided. All changes in the location of any milk and cream dealer's dairy or the dairies of those from whom he obtains milk and cream, or the location of the stables and pastures of either shall be promptly reported to the clerk of the board of health and noted on such record. Every person neglecting or refusing to comply with the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars for each and every day of such refusal or neglect. [R. O. 1897, Chap. 49, Sec. 5].

SEC. 715. Cows, stables, etc., inspection of.—It shall be the duty of the sanitary sergeant and assistant health officer at least once every two months, and as much oftener as they may think necessary and proper, to inspect and examine all stables, lots and pastures where cows are kept and fed, whose milk or cream therefrom is sold in the city; and also the feed, health and condition of such cows, and make report thereof to the board of health. If in their opinion any such cows are not fed on good and wholesome food, or are kept in an unhealthy or bad condition, or such stables and pastures are not properly cleaned and kept so, then they shall notify in writing the owner or keeper of such cows, stables and pastures, and also the persons who sell or offer for sale the milk or cream therefrom in the city, and if any such owner, keeper or person shall not at once cease to milk any cow which is in an unhealthy and bad condition, or shall refuse or neglect to at once proceed to clean such stables and pastures, the milk therefrom shall not be sold or offered for sale in the city until every objection thereto is abated and removed

and kept so. Every person violating any provision in this section contained shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars. [R. O. 1897, Chap. 49, Sec. 6].

SEC. 716. **Adulterations, manufacture of prohibited.**—Any person who shall manufacture, compound, use, sell or offer to sell any milk or cream adulteration or preservative, or any compound or substance whatever for the purpose of artificially preserving the sweetness or increasing the quantity of milk or cream, or for any other purpose, shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine of not more than two hundred dollars, or by imprisonment in the city jail or workhouse not exceeding six months, or by both such fine and imprisonment. [R. O. 1897, Chap. 49, Sec. 7].

SEC. 717. **Informer shall receive part of fine imposed.**—Any person who shall first give any information to any member of the board of health or the sanitary sergeant or police officer that shall be the cause and means of the arrest and conviction of any person for violating the provisions of the next preceding sections, shall be entitled to and receive one-third of the fine imposed and collected. [R. O. 1897, Chap. 49, Sec. 8].

SEC. 718. **Duties and powers—on what officers imposed.**—Whenever in this ordinance a duty is imposed or a power given to the sanitary sergeant, health officer or policeman, such duty or power shall be imposed on or granted to either one of such officers or all of them. [R. O. 1897, Chap. 49, Sec. 9].

SEC. 719. **Complaints, to whom made.**—All complaints which any person may desire to make against any one for the violation of any provision in this ordinance contained, shall be made to the clerk of the board of health or any member thereof, whose duty it shall be to at once bring such complaint to the notice of the sanitary sergeant, health officer or policeman, who shall inquire and examine into the same. [R. O. 1897, Chap. 49, Sec. 10].

SEC. 720. **Record, kept at office of board of health.**—The several records required to be kept by the provisions of this or-

dinance shall be kept always at the office of the board of health in charge of the clerk thereof. Such records shall always be open for the inspection of any person. [R. O. 1897, Chap. 49, Sec. 11].

SEC. 721. **City attorney shall report result of prosecutions.**—It shall be the duty of the city attorney to keep a record of every arrest and prosecution under the provisions of this ordinance and the result thereof; and he shall semi-annually report the same to the common council. [R. O. 1897, Chap. 49, Sec. 12].

SEC. 722. **Penalty.**—Any person who shall in any manner interfere with or prevent or attempt to prevent the enforcement of any provision of this ordinance, shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine not exceeding one hundred dollars. [R. O. 1897, Chap. 49, Sec. 13].

CHAPTER XXXII.

MISDEMEANORS.

ARTICLE

I. Miscellaneous offenses.

ARTICLE

II. Penalties.

ARTICLE I.

MISCELLANEOUS OFFENSES.

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SEC. 723. **Unlawful assembly.**—Any three or more persons who shall in this city assemble together, or being assembled shall act in concert to do any unlawful act with force or violence against the property of this city, or the person or property of another, or against the peace or to the terror of others, and shall make any movement or preparation therefor, and every person present at such meeting or assembly who shall not endeavor to prevent the commission or perpetration of such unlawful act, shall be deemed guilty of a misdemeanor. [R. O. 1897, Chap. 50, Art. 1, Sec. 1].

SEC. 724. **Disturbances of the peace.**—Any person who shall in this city disturb the peace of others by loud or unusual noise, offensive or indecent conversation, or by unseemly, profane, obscene or offensive language calculated to provoke a breach of the peace, or by threatening, challenging, striking or fighting another; or any person who in this city shall permit any such conduct in or upon any house or premises owned or occupied by him or under his management or control, so that others in the vicinity are disturbed thereby, shall be deemed guilty of a misdemeanor. [R. O. 1897, Chap. 50, Art. 1, Sec. 2].

SEC. 725. **Disturbing religious or other assembly.**—Any person who shall in this city disturb or disquiet any congregation or assembly met for religious worship, by making a noise or by rude or indecent behavior or profane discourses within their place of worship, or so near the same as to disturb the order or

solemnity of the meeting, or shall disturb any lawful assemblage of people by rude or indecent behavior or otherwise, shall be deemed guilty of a misdemeanor. [R. O. 1897, Chap. 50, Art. 1, Sec. 3].

SEC. 726. **Loitering, prohibited where.**—Any person who shall in this city loiter at the corners of streets, or in or upon any street, avenue, alley or sidewalk, or in the vicinity of any place of amusement, public hall, place of worship, hotel, restaurant, eating house, dramshop or thoroughfare and refuse to disperse or vacate such place when requested to do so by any police officer, shall be deemed guilty of a misdemeanor. [R. O. 1897, Chap. 50, Art. 1, Sec. 4].

SEC. 727. **Giving false alarm of fire—collection of persons on street.**—Any person who shall in this city intentionally give or make a false alarm of fire, or shall employ any device, noise or performance tending in either case to the collection of persons on the streets, sidewalks or other public place to the obstruction of the same, for any purpose whatsoever, without permission of the mayor in writing, shall be deemed guilty of a misdemeanor. [R. O. 1897, Chap. 50, Art. 1, Sec. 5].

SEC. 728. **Drunkenness an offense, when.**—Any person who shall in this city be drunk or shall be in a state of intoxication in any highway, thoroughfare or other public place, or in any private house or place, to the annoyance of any person, shall be deemed guilty of a misdemeanor. [R. O. 1897, Chap. 50, Art. 1, Sec. 6].

SEC. 729. **Concealed weapons, carrying of.**—Any person who shall in this city wear under his clothes or carry concealed upon or about his person, or be found having upon or about his person, concealed, any pistol or revolver, colt, billy, slung shot, cross knuckles or knuckles of lead, brass or other metal, dirk, dagger, razor, bowie knife, or any knife resembling a bowie knife, or any other dangerous or deadly weapon, shall be deemed guilty of a misdemeanor. [R. O. 1897, Chap. 50, Art. 1, Sec. 7].

SEC. 730. **Throwing missiles, having device for.**—Any person who shall in this city have in his possession any air pipe, blow

pipe, air gun, pop gun, spring gun, bow gun, cross bow, crotch, rubber sling or nigger shooter, or other device or contrivance for ejecting, discharging or otherwise throwing any missile, pellet, stone, bolt, metal or other substance capable of causing injury to any one, or shall project by means of any such device or contrivance, or fling, cast or throw by hand or foot any stone, pebble, ice or snow ball, or other hard or hurtful substance or thing in or upon any street, alley, park or other public ground, or from out of any yard, lot or building into any street, alley, park or other public ground, or whoever shall throw any stone or other missile at or against any public or private building, shall be deemed guilty of a misdemeanor. [R. O. 1897, Chap. 50, Art. 1, Sec. 8].

SEC. 731. Cartridges, pistols, etc., sale of to minors prohibited.—Any person who shall in this city sell to any person under the age of sixteen years, any cartridge of fixed ammunition of which any fulminate is a component part, or any gun, pistol or other mechanical contrivance arranged for the explosion of such cartridge, or of any fulminate, shall be deemed guilty of a misdemeanor. [R. O. 1897, Chap. 50, Art. 1, Sec. 9].

SEC. 732. Cigarettes, sale of to minors.—Any person who shall in this city sell to any minor any cigarette or cigarette wrappers, shall be deemed guilty of a misdemeanor. [R. O. 1897, Chap. 50, Art. 1, Sec. 10].

SEC. 733. Persons under certain age not to be on streets, etc., when.—It shall be unlawful for any person under fifteen years of age to be or remain in or upon any of the streets, alleys or public places in this city at night after the hour of nine o'clock p. m. from March 1st to August 31st, inclusive, of each year; and from September 1st to the last day of February, inclusive, of each year, after the hour of eight o'clock p. m., unless such person is accompanied by a parent, guardian or other person having the legal custody of such minor person, or is in the performance of an errand or duty directed by such parent, guardian or other person having the care and custody of such minor person, or whose employment makes it necessary to be upon such streets, alleys or public places during the night time after said specified hours; Provided, this exception shall not apply when the person

under such age shall be playing or unnecessarily loitering in or upon any such street, alley or public place, whether alone or accompanied by a parent, guardian or any person or persons whomsoever. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor. [R. O. 1897, Chap. 50, Art. 1, Sec. 11].

SEC. 734. Parent or guardian shall not allow child to go upon street, etc., when.—It shall be unlawful for any parent, guardian or other person having the legal care and custody of any person under fifteen years of age, to allow or permit any such child, ward or other person under such age, while in such legal custody, to go or be in or upon any of the streets, alleys or public places in this city within the time prohibited in section 733 of this ordinance, unless a reasonable necessity exists therefor. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor. [R. O. 1897, Chap. 50, Art. 1, Sec. 12].

SEC. 735. Police may arrest and detain violator of section 733, etc.—The police are hereby authorized to arrest, without warrant, any person wilfully violating the provisions of section 733 of this ordinance, and detain such person for a reasonable time, in which complaint can be made and a warrant issued and served. No child or minor person arrested under the provisions of this ordinance shall be placed in confinement until the parents or guardian of such person shall have been notified of such arrest and shall have refused to be held responsible for the observance of the provisions of section 733 of this ordinance by said minor person. [R. O. 1897, Chap. 50, Art. 1, Sec. 13].

SEC. 736. Playing in street, etc.—Any person who shall in this city ride, coast or slide down any sidewalk upon any wagon, sled, sleigh, or board, or who shall in any highway or thoroughfare play at any game of amusement or engage in any sport or exercise likely to scare horses, injure passengers or embarrass the passage of vehicles or pedestrians, shall be deemed guilty of a misdemeanor. [R. O. 1897, Chap. 50, Art. 1, Sec. 14].

SEC. 737. Climbing on moving car, etc.—Any person who shall in this city jump or climb upon or leave, or attempt to jump or climb upon or leave any street car, locomotive engine or train

or cars thereto attached, while in motion, unless in doing so he acts in compliance with law or by permission under lawful rules and regulations of the corporation then managing such street car or railway line, shall be deemed guilty of a misdemeanor. [R. O. 1897, Chap. 50, Art. 1, Sec. 15].

SEC. 738. Disturbing or destroying lamp post, fire alarm, telegraph poles, etc.—Any person who shall in this city wilfully or negligently injure, cut, break, disturb, dislocate, remove, destroy or interfere with any lamp post, bracket or gas lamp, or fire alarm box, or telegraph, telephone, electric light, district messenger or fire alarm pole or post, or the wires suspended thereon or attached thereto, shall be deemed guilty of a misdemeanor. [R. O. 1897, Chap. 50, Art. 1, Sec. 16].

SEC. 739. Climbing on electric light poles.—Any person who shall in this city climb or attempt to climb upon any of the electric light poles or towers of the city of St. Joseph, except employes of the city or persons duly authorized and permitted by proper authorities, shall be deemed guilty of a misdemeanor. [R. O. 1897, Chap. 50, Art. 1, Sec. 17].

SEC. 740. Injuring building, post, shade trees, etc.—Any person who shall in this city deface or injure any building, fence, gate, sign, tree box, ornamental or shade tree, shrubbery, lamp post, street fountain, awning post, telegraph pole, or any other property of any kind, belonging to the city or to any person, by cutting, breaking, daubing with paint, filth, offal or any other substance, hitching of horses or other animals, throwing of stones or other missiles, or in any other way or manner deface, injure or tear down the same, or commit any other dirty or filthy act by throwing, placing, daubing or depositing any filth, the contents of any privy, refuse, manure, animal or vegetable matter in, upon or about any such property or premises, shall be deemed guilty of a misdemeanor. [R. O. 1897, Chap. 50, Art. 1, Sec. 18].

SEC. 741. Not to tear up bridge or change creek.—Any person who shall in this city destroy, tear up or injure any bridge, culvert or other improvement made or constructed by or under the authority of this city, or who shall change the channel of any water course so as to cause the same to flow against or upon any

such improvement, shall be deemed guilty of a misdemeanor. [R. O. 1897, Chap. 50, Art. 1, Sec. 19].

SEC. 742. Not to hitch to fence, post, shade tree or hydrant.—Any person who shall in this city hitch or fasten any animal to any railing, fence, ornamental or shade tree or awning post or lamp post not belonging to him or his employer, or to any street hydrant or fire plug, shall be deemed guilty of a misdemeanor. [R. O. 1897, Chap. 50, Art. 1, Sec. 20]

SEC. 743. Fire hose, penalty for driving over.—Whenever any hose of the fire department is laid upon any street, alley, avenue, public place or vacant lot for the purpose of being used by said department, it shall not be lawful for any wagon, carriage or vehicle of any kind, street railway car, locomotive or railroad car to pass over the same. Any owner, driver or other person in charge of any wagon, carriage or other vehicle, street railway car, locomotive or railroad car, who shall knowingly drive or run over, or cause the same to be driven or run over such hose, shall be deemed guilty of a misdemeanor. [R. O. 1897, Chap. 50, Art. 1, Sec. 21].

SEC. 744. Not to drive on bridge faster than a walk.—Any person who shall in this city ride or drive any animal on any wooden bridge faster than a walk, shall be deemed guilty of a misdemeanor. [R. O. 1897, Chap. 50, Art. 1, Sec. 22].

SEC. 745. Vehicles not to be driven on sidewalks, etc.—Any person who shall in this city lead, drive or ride any horse or other beast of burden, or shall lead or drive any team attached to a wagon or other vehicle, or shall draw, push or place any such wagon or other vehicle upon or across any sidewalk of any class or any curbing, or shall tear up or otherwise injure any pavement or sidewalk or curbing, shall be deemed guilty of a misdemeanor. [R. O. 1897, Chap. 50, Art. 1, Sec. 23]

SEC. 746. Fast driving, leaving animal unfastened.—Any person who shall in this city ride or drive any animal on any street, avenue, alley or other public place in a violent or furious manner, or shall ride or drive any such animal so as to cause such animal or any vehicle thereto attached to come in collision

with or strike any other object or any person, or shall leave any such animal standing in any street, avenue, alley or public place without being fastened or so guarded as to prevent its running away, shall be deemed guilty of a misdemeanor. [R. O. 1897, Chap. 50, Art. 1, Sec. 24].

SEC. 747. **Vehicles to keep to the right.**—In all cases of persons meeting each other in vehicles in any highway or thoroughfare in this city, each person so meeting shall in all cases go to the right side, so as to enable such vehicles to pass each other without accident. Any person who shall violate this section shall be deemed guilty of a misdemeanor. [R. O. 1897, Chap. 50, Art. 1, Sec. 25].

SEC. 748. **Cruelty to animals.**—Any person who shall in this city over-drive, over-load, drive when over-loaded, torture, torment or unnecessarily or cruelly beat, or needlessly mutilate or kill any dumb animal, or expose any calves or sheep upon any street, sidewalk or market with their legs tied, or shall cause or procure to be over-driven, over-loaded, driven when over-loaded, ill treated, tortured, tormented or unnecessarily or cruelly beaten, or needlessly mutilated or killed, as aforesaid any dumb animal, or shall cause or procure any calves or sheep upon any street, sidewalk or market, to be exposed with their legs tied as aforesaid, shall for every such offense be deemed guilty of a misdemeanor. [R. O. 1897, Chap. 50, Art. 1, Sec. 26].

SEC. 749. **Slaughtering of animals.**—Any person who shall in this city kill or slaughter beeves, sheep, hogs or other animals, shall be deemed guilty of a misdemeanor; Provided, that this shall not apply to regularly established beef and pork packing houses or slaughter houses. [R. O. 1897, Chap. 50, Art. 1, Sec. 27].

SEC. 750. **Cruelty to children.**—Any parent, guardian or other person having the care or custody of any child who shall wilfully cause or permit the life of such child to be endangered or the health of such child to be injured, or the morals of such child to be impaired, or who shall wilfully cause or permit such child to be placed in such a situation, business or occupation that its life, health or morals shall be injured, or who shall wilfully abandon such child, or shall torture, torment, cruelly punish, or

wilfully or negligently deprive it of necessary food, clothing or shelter, or in any other manner shall unnecessarily injure such child, shall for every offense be deemed guilty of a misdemeanor. [G. O. No. 848, Sec. 1].

SEC. 751. Teams standing at 5th and Edmond streets prohibited, penalty.—It shall be unlawful for any owner, driver or keeper of any wagon, buggy or vehicle of any kind or description, to stand or hitch any horse or team to which is attached any buggy or vehicle for a longer period than for the prompt receipt or discharge of goods from wagons, or for the prompt receipt or discharge of passengers or occupants of buggies, wagons or vehicles on Edmond street within one hundred feet east or west from Fifth street or on Fifth street within one hundred feet from the south line of Edmond street, it being the intention of this ordinance to relieve as far as possible the congested condition of street traffic at this corner. Any person violating the provisions of this section shall upon conviction thereof before the police judge of this city be fined in a sum not exceeding two hundred dollars. [G. O. No. 804, Sec. 1].

SEC. 752. Throwing or dropping weight on sidewalk prohibited, penalty.—It shall be unlawful for any person within the city of St. Joseph, to throw down, drop or dash any weight or other article used for the purpose of hitching horses or any other animal on the sidewalk or curbs of the city of St. Joseph, in such a manner as will injure or crush said sidewalk or curb. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof before the police judge of this city shall be fined in a sum not to exceed two hundred dollars. [G. O. No. 768, Sec. 1].

SEC. 753. Standing of vehicles and machinery on streets prohibited.—It is hereby declared a misdemeanor, punishable by fine, for any one to leave standing upon any street, alley or sidewalk of the city any wagon, buggy, carriage, or machinery of any description, excepting all wagons, carriages and other vehicles in use having horses or other animals attached thereto and in charge of a driver, and after notice has been served by an officer of the city to move the obstruction, each day shall be considered a separate offense. [G. O. No. 865, Sec. 1].

SEC. 754. **Prohibiting certain modes of advertising.**—Any person who shall in this city in or upon any street, avenue, sidewalk, alley, public square or public park, carry, bear, support or place, or cause to be carried, borne, supported or placed, any banner, sign, transparency, frame work, device or emblem intended, or purporting to be used as an advertisement or publication of any trade, profession or business, place of business, office, store or occupation whatever, without a written permit from the mayor, and any person who, without first having obtained a license as a pawnbroker, shall place, keep or exhibit, or permit or cause to be placed, kept or exhibited in, upon, attached to or in front of his place of business any device, sign, banner, transparency, framework or emblem denoting or advertising the business or calling of a pawnbroker, or intended or purporting to be used as an advertisement of the business or calling of a pawnbroker, shall be deemed guilty of a misdemeanor. This section shall not be construed so as to prevent or prohibit any person or corporation from advertising their business or calling on any wagon, or frame of a wagon, provided such advertisement is done in a manner not calculated to frighten mules or horses, or obstruct or interfere with the passage of vehicles or pedestrians. [G. O. No. 589, Sec. 1].

SEC. 755. **Posting handbill, notice, etc.**—No person shall in this city paste, tack, nail, post, paint, stamp or print any poster, hand bill, card, advertisement or notice of any kind whatever, upon any wall, fence, house, door post, either private or public, without first having obtained permission, in writing, from the owner or agent of the property in which the same is situated, and every person so offending shall be deemed guilty of a misdemeanor. [R. O. 1897, Chap. 50, Art. 1, Sec. 30].

SEC. 756. **Circulars and handbills not to be thrown on street.**—Any person who shall in this city distribute handbills, circulars, cards, or advertising device of any kind by giving them to any person passing along any sidewalk or thoroughfare, or by throwing them upon the sidewalks, gutters, streets or public thoroughfares, shall be deemed guilty of a misdemeanor. [R. O. 1897, Chap. 50, Art. 1, Sec. 31].

SEC. 757. **Distributing samples of merchandise, handbills, etc., without license—penalty.**—It shall be unlawful for any

person to distribute, in this city, samples of merchandise, handbills or other advertising matter without first having obtained a license so to do, and the charge for such license shall be fifteen dollars per year, or five dollars per week. Any person who shall violate this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five nor more than fifty dollars: Provided, that this section is not intended to prevent any resident merchant from distributing his own samples or advertisements except as in the next preceding section is prohibited. [R. O. 1897, Chap. 50, Art. 1, Sec. 32].

SEC. 758. Distribution of samples of medicines, etc.—Any person who shall in this city distribute samples of medicines, foods or other proprietary preparations, by handing them to persons on the streets or thoroughfares, or by leaving any of said samples in the yards or upon the premises of any private residence or school, shall be deemed guilty of a misdemeanor. [R. O. 1897, Chap. 50, Art. 1, Sec. 33].

SEC. 759. Drawing water from public cistern.—Any person who shall take or draw water from any of the public cisterns of this city for private use or waste, or shall remove the cover from the opening of any such cisterns, shall be deemed guilty of a misdemeanor. [R. O. 1897, Chap. 50, Art. 1, Sec. 34].

SEC. 760. Removing guard from dangerous place.—Any person who shall knowingly or wilfully remove, destroy, or interfere with any barrier, guard or light placed before or at any dangerous place in or near the streets or thoroughfares of this city, for the purpose of warning or protecting travelers or other persons who may be exposed to injury from such dangerous places, shall be deemed guilty of a misdemeanor. [R. O. 1897, Chap. 50, Art. 1, Sec. 35].

SEC. 761. Leaving rubbish on street or sidewalk—penalty.—Any person or persons who shall have sidewalks paved, or any improvements done on their lots, who shall remove broken brick, rock, earth or rubbish of any kind from said sidewalk, or from any portion of their lot or lots, and leave the same on any street or alley, or shall leave any material on any street or alley longer than is actually necessary to make such improvements, shall be

deemed guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not to exceed fifty dollars for every such offense, and a like sum for every day he shall allow the same to remain after the first conviction. [R. O. 1897 Chap. 50, Art. 1, Sec. 36].

SEC. 762. **Barb wire fences prohibited—penalty.**—The erection or maintenance of any fence composed wholly or in part of barbed wire, upon, along or about any lot or parcel of ground fronting upon or adjoining any street, alley, avenue, public common or public thoroughfare in this city is hereby prohibited. All such fences now existing or that may be hereafter erected, are declared to be nuisances, and every owner or occupant of any lot or parcel of ground, who shall maintain or erect any such fence shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than five nor more than twenty-five dollars. Every day that such fence shall be maintained after conviction thereof, shall constitute a separate and additional offense. [R. O. 1897, Chap. 50, Art. 1, Sec. 37].

SEC. 763. **Business houses not to be kept open on Sunday.**—Any person who shall in this city play, on Sunday, at billiards, ten pins or other game of amusement, or shall on that day keep his store, shop or other place of business open or sell or offer to sell any goods, wares or merchandise, shall be deemed guilty of a misdemeanor. [R. O. 1897, Chap. 50, Art. 1, Sec. 38].

SEC. 764. **Swimming restricted.**—Any person who shall bathe or swim in the Missouri river or in any other water course, pond or pool in this city between one hour of sunrise and one hour after sunset without being sufficiently clothed to prevent improper exposure of his person shall be deemed guilty of a misdemeanor. [R. O. 1897, Chap. 50, Art. 1, Sec. 39].

SEC. 765. **Escaping from custody.**—Every person lawfully imprisoned in the city workhouse, police station, or other place of confinement, or held in custody of any officer, for any cause whatever, who shall escape or attempt by force or violence to any person to effect his escape from such custody, although no escape be effected, shall be deemed guilty of a misdemeanor. [R. O. 1897, Chap. 50, Art. 1, Sec. 40].

SEC. 766. Falsely representing an officer.—Whoever shall falsely represent himself to be an officer of this city or of the United States or of any state, county or city within the United States, or shall, without being duly authorized, exercise or attempt to exercise any of the duties or functions of any such officer, or shall hinder, obstruct or otherwise interfere with any city officer in the discharge of his official duties, shall be deemed guilty of a misdemeanor. [R. O. 1897, Chap. 50, Art. 1, Sec. 41].

SEC. 767. Keeping gambling device, etc., gambling.—Whoever shall in this city set up or keep any gaming table or gaming device, at which any game of chance shall be played for money or property, or anything representing money or property, or shall, at any such table or device, or at any game of chance bet, win or lose any money or property, or anything representing the same, or shall suffer any such table or device at which any game of chance is played to be set up or used in any tenement in his possession or under his control shall be deemed guilty of a misdemeanor, and it shall be the duty of the judge of the police court on receiving satisfactory information of any such table or device being so set up and used, to issue his warrant to the chief of police, commanding him to destroy the same, which warrant shall be immediately executed. [R. O. 1897, Chap. 50, Art. 1, Sec. 42].

SEC. 768. Exposing stallion.—No person shall indecently exhibit any stud horse, jackass or bull, or let any such horse or jackass to any mare, or any bull to any cow within the limits of this city, unless in some inclosed place out of public view: and every person so offending shall be deemed guilty of a misdemeanor. [R. O. 1897, Chap. 50, Art. 1, Sec. 43].

SEC. 769. Public indecency, obscene books, etc.—Any person who shall in this city appear in any public place in a state of nudity, or in any indecent or lewd dress, or shall make indecent exposure of his or her person, or be guilty of any lewd or indecent act or behavior, or shall exhibit, sell or offer to sell any indecent or lewd book, picture or other thing, or shall exhibit or perform any indecent, immoral or lewd play or other representation, shall be deemed guilty of a misdemeanor. [R. O. 1897, Chap. 50, Art. 1, Sec. 44].

SEC. 770. **Licentious conduct forbidden.**—No prostitute, courtesan or lewd woman shall, within the limits of this city, by word, sign or action, ply her vocation on any street, alley or avenue of the city, or in any other public place, or at any door or open window of the house or room she may occupy; and any such prostitute, courtesan or lewd woman who shall violate the provisions of this section shall be deemed guilty of a misdemeanor. [R. O. 1897, Chap. 50, Art. 1, Sec. 45].

SEC. 771. **Keeping bawdy house.**—Any person who shall in this city keep or maintain a bawdy house, house of ill-fame or assignation house or place for the practice of fornication, or who shall be interested in any such house as proprietor or landlord, or any person who shall use, occupy or knowingly permit any house, building or tenement owned by him or her, or under his or her control, to be used or occupied as a bawdy house, house of ill-fame, assignation house or for the purposes of fornication, shall be deemed guilty of a misdemeanor. [R. O. 1897 Chap. 50, Art. 1, Sec. 46].

SEC. 772. **Inmate or boarder in bawdy house.**—Any person, male or female, who shall in this city be the inmate of or boarder or lodger in, or who shall in any way contribute to the support of any bawdy house, house of ill-fame, assignation house or other place kept or maintained for the practice of fornication, shall be deemed guilty of a misdemeanor. [R. O. 1897, Chap. 50, Art. I, Sec. 47].

SEC. 773. **Frequenting bawdy house.**—Any person, male or female, who shall at any time in this city be found in or frequenting or loitering about any bawdy house, house of ill-fame, assignation house or other place kept or maintained for the practice of fornication shall be deemed guilty of a misdemeanor: Provided, the provisions of this section shall not be construed so as to apply to any person or persons showing by competent proof that they visited such place on lawful business. [R. O. 1897, Chap. 50, Art. 1, Sec. 48.]

SEC. 774. **Same—reputation of house in evidence.**—In order to convict any person for a violation of any of the provisions of the last three preceding sections the character of such house or

place may be established by proof that the same is generally reputed to be a bawdy house, house of ill-fame, assignation house or a place for the practice of fornication. [R. O. 1897, Chap. 50, Art. 1, Sec. 49].

SEC. 775. Permitting weeds to remain on lot—penalty.—It shall be unlawful for any owner or other person in charge of or having control or management of any lot or parcel of ground in this city to permit weeds to grow, or remain when grown, or to remain in a decaying condition after being cut on any such lot or parcel of ground, and any person so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one nor more than twenty-five dollars for such offense; and each day any such person shall violate the provisions of this section shall constitute a separate and distinct offense. [R. O. 1897, Chap. 50, Art. 1, Sec. 50].

SEC. 776. Pools, ponds and filth not allowed on vacant property—penalty.—It shall be unlawful for any owner or other person in charge of or having the control or management of any lot or parcel of ground within this city, between the first day of June and the last day of September of each year, to keep or permit any pond or pool of water upon any such premises, or to permit or keep any rubbish or filth of any kind whatever upon any such premises, and any person so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five nor more than twenty-five dollars for such offense; and each day such person shall violate the provisions of this section shall constitute a separate and distinct offense. [R. O. 1897, Chap. 50, Art. 1, Sec. 51].

SEC. 777. Throwing fruit or vegetable substance on sidewalk.—Any person who shall in this city throw or place upon any sidewalk or crosswalk any part of fruit or vegetable or other substance which, when stepped upon by any person, is liable to cause him or her to slip or fall, shall be deemed guilty of a misdemeanor. [R. O. 1897, Chap. 50, Art. I, Sec. 52].

SEC. 778. Interfering with water pipes or valves, penalty.—If any person shall interfere with any water pipe of the St. Joseph Water Company without the consent of the said company first

had and obtained, by tapping the same or by making any connection therewith, or shall, without such permission, interfere with any valve or connection made with such water pipe so as to let the water into any service pipe or turn it off from the same, such person shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum of not less than ten dollars nor more than one hundred dollars. [R. O. 1897, Chap. 50, Art. 1, Sec. 53].

SEC. 779. Injuring books, etc., of public library, penalty.—Any person who shall carry away without authority, wilfully or maliciously cut, write upon, injure, deface, tear or destroy any book, periodical, map, newspaper, plate, engraving or other property belonging to the city of St. Joseph, and constituting part of the property devoted to the use of the Free Public Library, shall be subject to a fine of not less than two dollars nor more than twenty-five dollars, and the cost of prosecution. [R. O. 1897, Chap. 50, Art. 1, Sec. 54].

SEC. 780. Expectorating in street cars and public conveyances prohibited.—It is hereby declared unlawful for any person to spit or expectorate on the steps, platform, floor or any portion of the inside of any street railway car or other public conveyance used for the purpose of conveying passengers in the city of St. Joseph. [G. O. No. 598, Sec. 1].

SEC. 781. Use of filthy cars prohibited.—It is hereby declared unlawful for any street car company or any person owning or operating any street railway or other public conveyance for passengers in said city to use for conveying passengers any car or conveyance unless the same be free from spit, expectoration or filth of every kind. [G. O. No. 598, Sec. 2].

SEC. 782. Penalty for violation.—Any person who shall violate or fail to comply with any provision of either of the two preceding sections shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined for each offense in a sum not less than one dollar nor exceeding ten dollars. [G. O. No. 598, Sec. 3].

SEC. 783. **Police officers to enforce ordinance.**—It is hereby made the duty of all police officers of the city of St. Joseph to see that the provisions of this ordinance are complied with, and not violated, and to take all proper action for that purpose. [G. O. No. 598, Sec. 4].

SEC. 784. **Copy of ordinance to be posted in cars.**—It is hereby made the duty of all street car companies, or any persons owning or operating street railways or other public conveyance in said city, to post a copy of sections 780, 781 and 782 of this ordinance in all cars or vehicles for public conveyance, or to post section 780 of said ordinance, with brief statement of the penalty attached to the violation thereof. [G. O. No. 598, Sec. 5].

ARTICLE II.

PENALTIES.

SECTION

785. Misdemeanor defined.

786. Punishment for misdemeanor where no specific penalty is prescribed.

SECTION

787. Penalty when no other is prescribed.

SEC. 785. **Misdemeanor defined.**—Whenever the term “misdemeanor” is used in any ordinance of the city of St. Joseph it shall be construed to mean and to stand in lieu of “violation of ordinances.” [R. O. 1897, Chap. 50, Art. 2, Sec. 1].

SEC. 786. **Punishment for misdemeanor where no specific penalty is prescribed.**—Any person who shall be convicted of any misdemeanor under the provisions of any ordinance of the city of St. Joseph, in case where no penalty is otherwise provided or prescribed, shall be fined not exceeding two hundred dollars for every offense. [R. O. 1897, Chap. 50, Art 2, Sec. 2].

SEC. 787. **Penalty when no other is prescribed.**—Whenever in any ordinance the doing of any act, or the omission to do any act or duty, is declared to be a breach thereof, and there shall be no fine or penalty prescribed for such breach, any person who shall be convicted of any such breach shall be adjudged to pay a fine not exceeding two hundred dollars. [R. O. 1897, Chap. 50, Art. 2, Sec. 3].

CHAPTER XXXIII.

NUISANCES.

SECTION

- 788. Privies; penalty for neglecting to provide.
- 789. Same; location and manner of building.
- 790. Time for emptying privy vaults.
- 791. Removal of dead animals.
- 792. Storage of green or salted hides.
- 793. Cattle and swine yards; when offensive.
- 794. Deposit of offal, filth, etc.
- 795. Removal of putrid and offensive matter.
- 796. Rendering of tainted or damaged substance.
- 797. Nauseous and offensive establishments.
- 798. Offensive grounds and premises.
- 799. Foul and offensive privies, cellars, vaults.
- 800. Nuisances on property of non-residents, how abated.

SECTION

- 801. Sewers, sewer inlets, vaults and privies; rubbish not to be thrown into.
- 802. Removal of house dirt, etc., license for.
- 803. Throwing rubbish, etc., in street—permit necessary.
- 804. Same; persons offending liable.
- 805. Rubbish to be removed, how.
- 806. Penalty.
- 807. Health officer to cause city to be examined.
- 808. Certain matters declared nuisances.
- 809. May be abated by city, costs taxed against property, when.
- 810. Preceding sections, how construed.
- 811. Steam whistle a nuisance, when.
- 812. Penalty for violation.

SEC. 788. **Privies, penalty for neglect to provide.**—The owner, agent or occupant having in the charge of any tenement used as a dwelling, or for lodging purposes, within the city of St. Joseph, shall furnish the same with a suitable privy, sufficient for the accommodation of all who may use it. Any person or persons neglecting to comply with the provisions of this section shall be subject to a fine of ten dollars for failing to comply with the same within a reasonable time (not to exceed thirty days), after notice from the health officer of said city, and a fine of five dollars for every day's neglect and failure thereafter to comply with the provisions of this section. [R. O. 1897, Chap. 51, Sec. 1].

SEC. 789. **Same; location and manner of building.**—If any person shall erect or continue any privy within twenty feet from any street, or the dwelling, shop or well of any other person in said city, unless the same be furnished with a substantial vault at least six feet deep, and made tight, so that the contents cannot

escape therefrom, and sufficiently secured and enclosed he shall be subject to a fine of not less than ten dollars, and a like fine for every week he shall continue the same after the first conviction. [R. O. 1897, Chap. 51, Sec. 2].

SEC. 790. Time when privy vault may be emptied.—No privy vault shall be emptied between the fifteenth day of June and the fifteenth day of September, unless, on inspection, the health officer shall be satisfied that the same is necessary for the health and comfort of the inhabitants; and in such case no more of the contents of such vault shall be taken away than shall be necessary for present safety and relief, and with such precautions relative to the prevention of any offensive effluvia as the health officer shall direct: Provided, no privy vault within this city shall be opened, nor the contents thereof disturbed or removed between the hours of 3 o'clock a. m. and 10 o'clock p. m., of any day. Any person violating any of the provisions of this section shall be subject to a fine of not less than five dollars nor more than one hundred dollars for every offense. [R. O. 1897, Chap. 51, Sec. 3].

SEC. 791. Removal of dead animals.—The owner or possessor of any dumb animal which may die within the city shall, within twenty-four hours thereafter, cause the carcass to be removed beyond the limits of the city. Any person violating this section shall be subject to a fine of not less than five dollars nor more than one hundred dollars. [R. O. 1897, Chap. 51, Sec. 4].

SEC. 792. Storing green or salted hides.—No person shall place or store any green or salted hides in any store, warehouse or other building or place within the limits of this city, so that odor arising from said hides shall annoy or disturb the occupants of any tenement in the vicinity, under a penalty of not less than five dollars nor more than one hundred dollars, and a like penalty of every day the same shall be continued after the first conviction. [R. O. 1897, Chap. 51, Sec. 5].

SEC. 793. Offensive pens for cattle or hogs.—Any person or persons who shall own, keep or use any yard, pen, place or premises, in or upon which any number of cattle or swine shall be so kept as to be offensive to those residing in the vicinity, or an

annoyance to the public, shall be deemed the author of a nuisance, and on conviction shall be subject to a fine of not less than five dollars nor more than one hundred dollars, and to a like fine for every day he or they shall neglect or refuse to abate such nuisance after a conviction for the first offense. [R. O. 1897, Chap. 51, Sec. 6].

SEC. 794. **Offal, rubbish, filth, slops, etc.**—Any distiller, tanner, brewer, butcher, pork and beef packer, soap boiler, tallow chandler, dyer, livery stable keeper, or other person whatsoever, who shall cause or suffer any offal, manure, rubbish, filth, still slops, or any refuse animal or vegetable matter, or any foul or nauseous liquor to be discharged out of, or flow from any premises owned or occupied by him, or be thrown into, deposited or left in any stream of water within the limits of this city, the Missouri river excepted, or in or upon any street, alley, avenue, public square, vacant lot, wharf or river bank in said city, shall be subject to a fine of not less than five dollars nor more than one hundred dollars for every offense. [R. O. 1897, Chap. 51, Sec. 7].

SEC. 795. **Offensive matter to be removed.**—No person shall permit or suffer any substance of the nature mentioned in the preceding section, which is liable to become putrid or offensive or injurious to the public health, to remain on any premises owned or occupied by him in this city for a longer period than twenty-four hours at any one time, from the first day of March to the first day of November in any year, or exceeding forty-eight hours during any other part of the year, but the same shall be removed or buried within the time above designated. Any person who shall violate any provision of this section shall be subject to a fine of not less than five dollars nor more than one hundred dollars for every offense, and to a like fine for every day the same shall be allowed to remain after a conviction for the first offense. [R. O. 1897, Chap. 51, Sec. 8].

SEC. 796. **Offensive smells from rendering, etc.**—No person shall steam or boil or in any way render any offal, tainted or damaged lard or tallow, or steam or render any animal substance in such a manner as to occasion any offensive smell, or which will, by undergoing such process, so taint the air as to render it unwholesome or offensive to the smell, within the limits

of this city. Any person who shall violate any provision of this section shall be subject for each offense to a fine of not less than five dollars nor more than one hundred dollars. [R. O. 1897, Chap. 51, Sec. 9].

SEC. 797. Foul or offensive establishments.—Any owner or occupant of any tallow chandler's shop, soap factory, tannery, distillery, livery stable, cattle yard or shed, barn, packing house, slaughter house or rendering establishment within this city, who shall suffer the same to become nauseous, foul or offensive, shall be fined in a sum of not less than five dollars nor more than one hundred dollars in every case. [R. O. 1897, Chap. 51, Sec. 10].

SEC. 798. Offensive grounds.—If any person shall own, occupy or keep any grounds or other premises within this city in such conditions as to be offensive and a nuisance to the neighborhood, he shall be subject to a fine of not less than five dollars nor more than one hundred dollars, and to a like fine for every day such nuisance shall continue after the first conviction. [R. O. 1897, Chap. 51, Sec. 11].

SEC. 799. Sinks, sewers and vaults, etc.—If any person shall suffer or permit any cellar, vault, private drain, pool, privy, sewer or sink upon any premises belonging to or occupied by him, within this city, to become nauseous, foul, offensive or injurious to the public health, he shall be subject to a fine of not less than five dollars nor more than one hundred dollars in every case, and to a like fine for every day the same shall continue after the first conviction. [R. O. 1897, Chap. 51, Sec. 12].

SEC. 800. Nuisance on property of non-resident.—Whenever any non-resident owning real estate or other property within the corporate limits of the city, shall permit a public nuisance to exist thereon, it shall be the duty of the street commissioner to abate said nuisance, and the property shall be held liable for the full amount of the cost of abating said nuisance. [R. O. 1897, Chap. 51, Sec. 13].

SEC. 801. Refuse matter not to be thrown in sewer, etc.—No person shall, in this city, deposit or throw into any sewer, sewer inlet or privy vault which has a sewer connection, any

animal or vegetable substance, or any straw, hay, ashes, soot or any article or substance whatever. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than five dollars nor more than five hundred dollars for every such offense. [R. O. 1897, Chap. 51, Sec. 14].

SEC. 802. License to remove house dirt, etc, conditions of.—No person shall, in this city, carry in a public street, any house dirt or house offal, either animal or vegetable, or grease or bones or other refuse substances, unless he has complied with the provisions of the laws and ordinances regulating the removal of garbage or has been expressly licensed therefor, by the board of health, upon such terms and conditions as said board may deem that the health and interests of the city require. [R. O. 1897, Chap. 51, Sec. 15].

SEC. 803. Throwing rubbish in street, etc., permit for.—No person shall, without permission from the board of health, throw into or leave in or upon a street, wharf, public enclosure, vacant lot or pond, or other body of water within the city, any dead animal, sweepings, waste, rubbish or filth of any kind, or any refuse, animal or vegetable matter whatever. [R. O. 1897, Chap. 51, Sec. 16].

SEC. 804. Same; persons offending liable.—If any of the substances mentioned in the next preceding section are thrown or carried from a house, warehouse, shop, cellar, yard or other place, the persons who actually threw, carried or left the same, or who caused the same to be thrown, carried or left, shall severally be held liable for the violation of the said section; and all substances so thrown or carried or left, shall within two hours after personal notice in writing to that effect given by the board of health, be removed by such owners, occupants or other person from the place where they have been so thrown or left as aforesaid; or such removal shall be made under the direction of said board and the expenses thereof borne by such owners or occupants. [R. O. 1897, Chap. 51, Sec. 17].

SEC. 805. Rubbish to be removed, how.—All dirt, sawdust, soot, ashes, cinders, shavings, hair, shreds, manure, waste, water

and all animal or vegetable substances, rubbish or filth of any kind in a house, warehouse or other building, cellar, yard, unoccupied street, alleyway or other place where the same shall be found, shall be removed within twenty-four hours, or such other time as the said board may deem reasonable, after notice in writing to that effect served personally upon the owner or occupant, or upon his authorized agent, by the street commissioner or such other person as the board of health may direct, or left at the owner's, occupant's or agent's last and usual place of abode, if the same is known and is within the state; or such removal shall be made under the direction of the board of health, and the expense thereof borne by the owner or occupant. No person removing any of the substances named in this section shall suffer it to leak, escape or drop from any vehicle by him owned or driven, into or upon the street, court, square, lane, alley, wharf or vacant lot within the limits of this city. [R. O. 1897, Chap. 50, Sec. 18].

SEC. 806. **Penalty.**—Any person who shall fail or neglect to comply with any or either of the foregoing requirements of this chapter, or who shall violate any section, clause or provision of any of the preceding sections thereof, where no penalty is specially imposed, shall on conviction pay a fine of not less than two dollars nor more than one hundred dollars. [R. O. 1897, Chap. 51, Sec. 19].

SEC. 807. **Police shall examine city and report violations, when.**—For the purpose of carrying the foregoing provisions into effect, it shall be the duty of the chief of police, whenever required by the board of health, to detail a sufficient number of the police force, to be under the control of the health officer, to make from time to time, and as often as may be required, a thorough and systematic examination of the city, and to ascertain and report to the proper authority, for prosecution, all violations of this chapter; and for this purpose they shall be permitted at all times to visit and enter into or upon any building, lot or grounds within the limits of this city and make examinations thereof. [R. O. 1897, Chap. 51, Sec. 20].

SEC. 808. **Certain matters declared nuisances.**—Among other things and acts which make and constitute a nuisance in the city,

the following shall be deemed and declared to be nuisances and injurious to the public health when existing within the city limits which may be abated by the city in the manner and form prescribed by section 809 of this chapter: Allowing dead or decaying animals, fowls, fish or flesh of any kind to be and remain upon any premises for a longer period than twenty-four hours; the storing of green or salted hides in any warehouse or other building so that the odor arising therefrom shall annoy or disturb the occupants of any tenement in the vicinity, the keeping or using of any yard, pen, place or premises in or upon which any swine, cattle or fowls shall be kept so as to be offensive to those residing in the vicinity or an annoyance to the public; the permitting or allowing upon any premises for more than twenty-four hours, or the depositing or discharging into or upon any street, or alley, or into any ravine, creek or river, except the Missouri river, any offal, manure, rubbish, filth, still slops, or any refuse animal or vegetable matter, or any foul or nauseous liquor from any lot, private house, hotel, barn, stable or building of any kind, distillery, tannery, brewery, meat shop, pork or beef packing house, soap factory, dyeing establishment, livery stable, cow shed, cattle yard, tallow chandler shop, slaughter house or rendering establishment: the steaming, boiling or in any way rendering of any offal, tainted or damaged lard or tallow or any animal substance in such a manner as to cause an offensive odor or taint the air and render it unwholesome: permitting or causing any cellar, vault, privy, private drain, sewer or sink, on any premises to be nauseous, foul and offensive: permitting or allowing any pond or pool of water to be or remain upon any premises between the first day of June and the last day of September: permitting or allowing weeds to grow, or remain after being cut, when grown upon any lot or parcel of ground, and the permitting or allowing upon any premises any and all other substances whether vegetable or animal being in a decaying condition which emit foul, nauseous, poisonous, unwholesome or disagreeable gases, odors or effluvia. [R. O. 1897, Chap. 50, Sec. 21].

SEC. 809. May be abated by city—costs taxed against property, when.—If any nuisance shall be caused or permitted to remain or be maintained upon any private property by the occupant or owner of the premises, or his or their agents, then in addition to the fines and penalties otherwise prescribed by ordin-

ance against the person, owner or occupant who may cause, permit or maintain such nuisance, it shall be the duty of such owner or occupant to abate such nuisance or cause the same to be abated within twenty-four hours after written notice being served by the street commissioner or any health officer on such owner, occupant or his or their agent so to do, and if such person shall fail or neglect to abate such nuisance or cause the same to be abated within such time, then such nuisance may be removed, or abated in a summary manner by the city of St. Joseph and the costs or expenses incurred by the city in removing or abating such nuisance within the city limits shall be assessed against the owner or occupant, if caused or permitted by them or either of them or their agent, and the same shall be assessed as a special tax bill against the property upon which such nuisance may be, which shall be a special lien against such property in the same manner and with the same effect as special tax bills are for paving. [R. O. 1897, Chap. 51, Sec. 22].

SEC. 810. **Preceding sections, how construed.**—Nothing contained in the two preceding sections shall be construed to relieve any person from any fine, penalty, burden, duty or punishment otherwise prescribed by ordinance for the commission of any misdemeanor or for the permitting, causing or maintaining any nuisance within the city. [R. O. 1897, Chap. 51, Sec. 23].

SEC. 811. **Steam whistle a nuisance, when.**—The making of any unusual and unnecessary noise by means of any steam whistle or other device, and the maintenance thereof, so as to annoy, inconvenience or disturb any person or persons or impair the health or comfortable enjoyment of the home or property of any person or persons, is hereby declared to be a nuisance and unlawful. [G. O. No. 631, Sec. 1].

SEC. 812. **Penalty for violation.**—Any person violating the provisions of the preceding section shall be guilty of a misdemeanor and on conviction shall be fined in a sum of not less than ten dollars nor more than twenty-five dollars. [G. O. No. 631, Sec. 2].

CHAPTER XXXIV.

OFFICERS.

ARTICLE

- I. Mayor.
- II. Comptroller.
- III. Counselor.
- IV. Auditor.
- V. Treasurer.
- VI. City clerk.
- VII. Assessor.

ARTICLE

- VIII. City attorney.
- IX. City electrician.
- X. City engineer.
- XI. Bonds of officers.
- XII. Provisions governing officers and employes.

ARTICLE I.

MAYOR.

SECTION

- 813. Mayor, installation of.
- 814. General power of supervision.
- 815. Powers in case of riot.
- 816. Powers in case of paupers, insane or idiots.

SECTION

- 817. Vacancy in office of mayor, how filled.
- 818. Mayor may grant leave of absence.

SEC. 813. Mayor, installation of.—The mayor shall take the oath of office, to be administered by the city clerk or other officer authorized to administer oaths, in the presence of the common council and so many citizens as may desire to be present, on the second Monday after the day of election, at the hour of twelve o'clock noon. [R. O. 1897, Chap. 46, Sec. 1].

SEC. 814. General power of supervision.—It shall be the duty of the mayor, in addition to the duties imposed upon him by the general laws of the state of Missouri, to exercise a general supervision over all the departments of the city government, and see that the duties appertaining to the various city offices are properly performed. He may call upon any officer for information in relation to the business of his office, and shall report to the common council all neglect of duty on the part of any city officer. [R. O. 1897, Chap. 46, Sec. 2].

SEC. 815. Powers in case of riot.—In case of any riot, rout or unlawful assembly, the mayor shall have power to direct the

action of the police force of the city, to call to his aid all citizens in suppressing the same, and in case of urgent necessity to employ special police. He shall have power to make arrests in cases where he shall have good reason to believe that offenses have been or are about to be committed, and to summon citizens to his aid in making such arrests. [R. O. 1897, Chap. 46, Sec. 3].

SEC. 816. **In case of paupers, insane or idiots.**—The mayor shall have authority to direct and aid in the removal of paupers from the city, and in case of extreme necessity to provide for their temporary support. He shall have power to make provision for the temporary keeping and protection of idiots and insane persons, when unaccompanied by proper guardians, and shall take immediate steps to have them transferred to the proper authorities. All expenses incurred by the mayor, in performing the duties imposed by this section, shall be reported to the common council. [R. O. 1897, Chap. 46, Sec. 4].

SEC. 817. **Vacancy in office of mayor, how filled.**—Whenever any vacancy shall happen in the office of mayor, by death or any other cause, the president of the common council, who shall exercise the duties of the mayor for the time, shall, within the time and under the regulations prescribed by ordinance, issue his proclamation, directing a special election to be held to fill said vacancy. [R. O. 1897, Chap. 46, Sec. 5].

SEC. 818. **May grant leave of absence.** The mayor may, in his discretion, grant temporary leave of absence to any officer, upon good cause shown, and no officer shall leave the city for any cause without such leave of absence from the mayor, under the penalty of forfeiture of his office. [R. O. 1897, Chap. 46, Sec. 6].

ARTICLE II.

COMPTROLLER.

SECTION	SECTION
819. General duties.	825. Countersign licenses.
820. Duty in case of defaulting officer.	826. To attend sale and bid on real estate.
821. Shall deposit proceeds of bonds.	827. To be at office during council meetings.
822. Duty as to property of the city.	828. To furnish stationery.
823. Report to council, shall state what.	829. Comptroller may appoint deputy.
824. To certify amount of money to be raised by taxation.	830. Appointment may be canceled.

SEC. 819. **General duties.**—It shall be the duty of the city comptroller, in addition to the duties imposed upon him by the general laws of the state of Missouri, to exercise a general supervision over all the officers of the city regarding the proper management of the fiscal concerns of their respective offices. He shall examine the books of each department from time to time, and see that they are kept in proper form. He shall see that all necessary reports are made to him by the various officers of the city, that officers receiving money pay the same into the city treasury, when thereto required, and report all delinquents to the mayor. [R. O. 1897, Chap. 20, Sec. 1].

SEC. 820. **Same—in case of defaulting officer.**—When any officer of the city shall become a defaulter, it shall be the duty of the comptroller to direct the city counselor to take immediate legal measures for the recovery of the amount for which such officer may be in default. [R. O. 1897, Chap. 20, Sec. 2].

SEC. 821. **Shall deposit proceeds of bonds.**—The city comptroller shall deposit the proceeds of all sales of bonds with the city treasurer, immediately after he shall receive the same; and until such deposit, he shall be responsible for the amount thereof. [R. O. 1897, Chap. 20, Sec. 3].

SEC. 822. **Duty as to property of city.**—He shall also attend to the letting, sale or other disposition of property belonging to

the city, and to the collection of all accounts, rents and other moneys due the city, except when otherwise provided by law or ordinance. [R. O. 1897, Chap. 20, Sec. 4].

SEC. 823. **Report of, shall state what.**—In the semi-annual report to the common council required of the comptroller by the general laws of the state of Missouri, on the financial condition of the city, he shall give a full and detailed account of all receipts and expenditures of money by the city during the preceding half year, and of all the liabilities of the city, the condition of all appropriations, the amount of money on hand belonging to each of the different funds or departments of the city, the contracts unfulfilled, the balance of money in the city treasury and the sum due and outstanding, the names of all persons who have become defaulters to the city, and the amounts in their hands unaccounted for, and a statement of all other matters necessary to a complete exhibit of the city's financial condition. [R. O. 1897, Chap. 20, Sec. 5].

SEC. 824. **Shall certify amount of money to be raised by taxation.**—He shall also, at the first meeting of the common council in each fiscal year, certify the amount of money to be raised by taxation for the payment of bonds and coupons maturing during that year, as required by the general laws of the state of Missouri, and an estimate of the amount necessary to defray the expenses of the various departments of the city government during the year, stating separately the amount required for each department. He shall, with said estimate, also submit a statement of all contracts made or authorized by the common council and not performed or completed during the years preceding, and upon which any money remains unpaid and the amount so unpaid on each. To this end, he shall require from the city engineer and other city officers and heads of departments, such information as he shall need to enable him to fulfill the duty imposed upon him herein. [R. O. 1897, Sec. 6].

SEC. 825. **Countersign licenses.**—The city comptroller shall countersign all licenses issued by the city auditor, and keep a complete record thereof in his office. [R. O. 1897, Sec. 7].

SEC. 826. **To attend sales and bid on real estate, etc.**—It shall be the duty of the comptroller to be present at all sales of real estate sold under execution upon judgment for city taxes, and in behalf of the city, bid the amount of the judgment, interest and costs upon each lot or parcel of real estate exposed for sale, and in case no higher bid is made, to have the same struck off and sold to the city. [R. O. 1897, Sec. 8].

SEC. 827. **To be at office during council meetings.**—The city comptroller shall be in his office during the regular monthly meetings of the common council, and during special meetings when thereto required by the mayor or council, to perform such duties of his office as may become necessary during such meetings. [R. O. 1897, Chap. 20, Sec. 9].

SEC. 828. **To furnish stationery.**—It is hereby made the duty of the city comptroller to keep on hand at all times a sufficient quantity of general office stationery and office supplies for the transaction of the business of the city, and to issue the same to the different departments, on requisition from the officers thereof. In case supplies are needed which, for any reason, are not kept on hand, it shall be the duty of the comptroller to issue an order to the head of the department applying for the same, for its purchase, such order to be attached to the bill for the goods purchased thereunder, and no bill for such goods shall be paid without such order being attached thereto: Provided, that the order herein required shall not be issued by the comptroller unless there be sufficient funds to the credit of the department named, not otherwise appropriated. In securing such stock of supplies and in replenishing same, the comptroller shall receive bids from all firms dealing therein and award the contract to the lowest and best bidder. [R. O. 1897, Chap. 20, Sec. 10].

SEC. 829. **Comptroller may appoint deputy.**—The comptroller is hereby authorized to appoint a deputy comptroller, who shall be a practical bookkeeper at a salary not to exceed twelve hundred dollars per annum, who shall perform the work of a bookkeeper and clerk in his said office, and who may act as deputy comptroller. [R. O. 1897, Chap. 20, Sec. 11].

SEC. 830. **Appointment of deputy may be cancelled.**—The appointment of a deputy by the comptroller may be cancelled at any time at the will of the comptroller, and the person appointed shall hold such appointment at the will of the comptroller, and may be suspended or removed at any time by the comptroller. Such deputy before entering upon the duties of his appointment shall execute a bond to the said comptroller to be approved by the comptroller, in the sum of ten thousand dollars, conditioned for the faithful performance of all the duties of his appointment, which bond shall be deposited with the comptroller. [R. O. 1897, Chap. 20, Sec. 12].

ARTICLE III.

COUNSELOR.

SECTION

- 831. Duties defined.
- 832. Assistant—duties.
- 833. Appointed—how.

SECTION

- 834. Counselor and assistant to office at city hall, and devote entire time to duties.

Sec. 831. **Duties defined.** It shall be the duty of the city counselor, in addition to the duties imposed upon him by the general laws of the state of Missouri:

First. To advise the common council or its committees, or any city officer, when thereto requested, upon all legal questions arising in the conduct of the business of the city.

Second. To revise all ordinances submitted to him by any committee of the common council before being passed.

Third. To give his opinion in writing, when thereto requested, upon any matter or question submitted to him by the common council or any of its committees, or any city officer.

Fourth. To attend all regular meetings of the common council, and all special meetings when thereto requested by the mayor or council.

Fifth. To manage and conduct, in behalf of the city, all condemnation proceedings before the mayor of the city and upon appeal.

Sixth. To collect all delinquent taxes, and all special taxes for opening of streets and alleys or for repairs of sidewalks, keeping a complete record thereof and rendering proper accounts therefor; for which he shall receive the fees as provided by law.

Seventh. To keep a complete record of all suits brought against the city, giving the names of the parties, the court where

brought, the nature of the action, the disposition of the case and the briefs of counsel, and to deliver such record to his successor in office. [R. O. 1897, Chap. 25, Sec. 1].

SEC. 832. **Assistant city counselor, duties.**—There is hereby created in the city of St. Joseph the office of assistant city counselor whose duties shall be under the direction of the city counselor, to assist in any matters pertaining to the office of city counselor. He shall be under the direction of the city counselor and shall perform all such duties as he may be directed to perform by the city counselor and all the duties pertaining to the office of city counselor when requested by the mayor, or city counselor, and in the absence from the city of the city counselor shall perform all of the duties of the office of city counselor, and shall attend the meetings of the common council when directed to do so by the mayor, president of the common council or the city counselor. [G. O. No. 806, Sec. 1].

SEC. 833. **Appointed, how.**—The assistant city counselor shall be appointed by the city counselor. The first appointment under this ordinance shall be at the beginning of the fiscal year of 1903 and he shall hold his office during the pleasure of the city counselor. [G. O. No. 806, Sec. 2].

SEC. 834. **Counselor and assistant counselor to office at city hall and devote entire time to duties.**—The city counselor and assistant city counselor shall be furnished a suitable office at the city hall and after the third Monday in April, 1903. they are hereby required to devote their undivided time to the duties of their respective offices. [G. O. No. 805, Sec. 1].

ARTICLE IV.

AUDITOR OF CITY.

SECTION

- 835. General duties of city auditor.
- 836. Warrants to be countersigned.
- 837. Indebtedness to city to be deducted.
- 838. To strike monthly balance.

SECTION

- 839. To settle with finance committee.
- 840. Report to comptroller.
- 841. Must deliver canceled indebtedness.
- 842. May appoint deputy.

SEC. 835. **General duties of city auditor.**—It shall be the duty of the city auditor, in addition to the duties imposed upon him by the general laws of the state of Missouri:

First. To be general accountant of the city, and as such, to receive and preserve in his office all city account books, vouchers, documents and papers relating to the accounts and contracts of the city, its revenue, debt and fiscal affairs, whether said accounts are between the city and any officer thereof, or said accounts and contracts are between the city and any person or body corporate, except where said books, vouchers or documents are, by the general laws of the state of Missouri or ordinances, placed in the custody of some other officer.

Second. To keep a day book, journal and ledger in which the accounts of the city shall be kept by double entry. The city shall be represented in said books by the term "city revenue," and all moneys coming into the city treasury, shall be entered upon the debit side of the city revenue account, with the sources specified from which said revenue is derived; and all appropriations shall be entered upon the credit side of said accounts, with the objects stated for which each appropriation is made.

Third. To keep, in proper books, the accounts between the city and all officers charged with the collection or custody of public moneys; entering all receipts and payments, from what source derived, and on what account paid.

Fourth. To keep a complete record of all branches of the city revenue, opening an account with every fund, which, by law

or ordinance, is made a separate fund, crediting the same with all moneys paid into the city treasury on account thereof, and charging said fund with all appropriations made therefrom, and all warrants drawn thereon.

Fifth. To keep a record of all warrants drawn upon the city treasury, specifying the number, date, amount and to whom payable.

Sixth. To keep an account of all bonds and obligations of the city, date of issue, time when principal and interest become due, rate of interest, and to whom payable, giving a registered number for each bond and coupon.

Seventh. To examine, audit and adjust all accounts, claims and demands for or against the city, first submitting such as amount to one hundred dollars or over to the auditing committee to be passed upon, and, after the same has been duly examined and passed upon with all accompanying vouchers and documents, to certify the balance or true state of such claim or document.

Eighth. To keep a true and just account with the several different revenue districts, the city treasurer and the different funds and officers of the city, debiting the same with all moneys paid into the treasury on account of such funds, respectively, and with all taxes and other accounts in favor of such funds, placed in the hands of any city officer, for collection, and crediting the same with all appropriations made therefrom by ordinance, and with all taxes and other accounts declared by the common council to be uncollectible.

Ninth. To keep separate accounts with all contractors for public works, crediting them with the amount of their respective contracts, certified by the city engineer, and charging them with all sums paid them by the city on account thereof. [R. O. 1897, Chap. 7, Sec. 1].

SEC. 836. **Warrants to be countersigned.**—Every warrant drawn by the city auditor upon the city treasurer, shall, before becoming valid, be presented to the city comptroller to be countersigned as required by the general laws of the state of Missouri. [R. O. 1897, Chap. 7, Sec. 2].

SEC. 837. Indebtedness to city to be deducted.—The city auditor shall not draw a warrant upon the city treasurer in favor of any person indebted to the city, except for the amount due such person in excess of any such indebtedness, nor in favor of any officer who is in arrears to the city. [R. O. 1897, Chap. 7, Sec. 3].

SEC. 838. To strike monthly balance.—At the close of the last day of each month, the city auditor shall strike a balance upon each account between the city and all persons or bodies corporate with which it has accounts, preparatory to making his monthly report to the city comptroller, as required by ordinance. [R. O. 1897, Chap. 7, Sec. 4].

SEC. 839. To settle with finance committee.—The city auditor shall make monthly settlements with the finance committee of the common council, and shall, at such settlements, surrender to said committee all bonds, coupons, warrants and other evidences of debt against the city that have been canceled and returned to him by the city comptroller or other officer, taking from said committee duplicate receipts therefor, one to be delivered to the city comptroller and the other retained. [R. O. 1897, Chap. 7, Sec. 5].

SEC. 840. Shall report to comptroller.—The city auditor shall, on the first Monday of each month, make a detailed report to the city comptroller of the business of his office during the month preceding, showing the amount and different kinds of canceled indebtedness, and the vouchers received by him during the month, together with such other matters and facts as the comptroller may require. [R. O. 1897, Chap. 7, Sec. 6].

SEC. 841. Must deliver canceled indebtedness.—The city auditor shall, before making his report to the comptroller, deliver all canceled indebtedness and vouchers received by him, during the preceding month, to the finance committee of the common council, taking duplicate receipts therefor, one to be filed with the city comptroller and the other retained. [R. O. 1897, Chap. 7, Sec. 7].

SEC. 842. **Auditor may appoint deputy.**—The city auditor may, by an instrument in writing, under his hand, appoint a deputy, who shall have and exercise, under the supervision of the city auditor, all the powers and perform any of the duties of the city auditor, and may remove said deputy at his pleasure. The city auditor and his securities shall be responsible on his official bond for all acts done or omitted by such deputy, in the same manner as for his own acts or omissions. [R. O. 1897, Chap. 7, Sec. 8].

ARTICLE V.

TREASURER, CITY.

SECTION

- 843. Treasurer, general duties.
- 844. Report to comptroller.
- 845. May employ clerk.
- 846. Bond of treasurer.
- 847. Tax receipts, how issued, etc.
- 848. Shall deposit receipts, how.

SECTION

- 849. Checks to be countersigned.
- 850. Daily report of disbursement.
- 851. Tax book delivered to comptroller, when.
- 852. Official dereliction, penalty.

SEC. 843. General duties.—It shall be the duty of the city treasurer, in addition to the duties imposed upon him by the general laws of the state of Missouri:

First. To keep, in proper books, by double entry, a full and accurate account of all moneys received and disbursed by him in behalf of the city, specifying the time of receipt and disbursement, from whom received and to whom disbursed, and on what account received and disbursed, and how paid.

Second. To cancel all bonds, coupons, warrants and other evidences of debt against the city, whenever paid by him, by writing or stamping across the face thereof, "Paid by the City Treasurer," with the date of payment written or stamped thereon.

Third. To keep a separate account of each fund or appropriation, and the debts and credits belonging thereto.

Fourth. To deliver receipts, as city collector, for all moneys paid to him for licenses, specifying when and by whom paid and on what account.

Fifth. To make settlements with the city auditor at the close of each month, of the amounts received and paid out during the month. [R. O. 1897, Chap. 75, Sec. 1].

SEC. 844. Shall report monthly to comptroller.—The city treasurer, on the first Monday of each month, shall make a detailed report to the city comptroller of the business of his office

during the month preceding, showing the balance on hand to the credit of the different funds at the time of his last report, the amounts received during the month, and on what account, together with such other items and facts as the comptroller may require. [R. O. 1897, Chap. 75, Sec. 2].

SEC. 845. **Treasurer may employ clerk.**—The city treasurer is hereby authorized to employ a clerk in his office, who shall be a practical bookkeeper and competent to perform the duties of the office in case of sickness of the treasurer, at a salary not to exceed one hundred dollars per month. [R. O. 1897, Chap. 75, Sec. 3].

SEC. 846. **Bond of treasurer.**—The official bond of the city treasurer shall be fifty thousand dollars. [R. O. 1897, Chap. 75, Sec. 4].

SEC. 847. **Tax receipts, how issued, etc.**—The city treasurer shall have his tax receipts printed and bound with duplicate stubs attached thereto, numbered to correspond respectively with the corresponding tax receipt. Whenever a tax receipt is issued, one of such stubs shall be retained by the treasurer, the other shall be delivered at the close of such day's business to the city comptroller. Such stubs shall each contain the name of a tax payer, the assessed valuation, amount of the tax, rebate or penalty as the case may be, with the signature of the treasurer. The comptroller shall charge the treasurer with the amount received as indicated by such stub, and file the same for reference. [R. O. 1897, Chap. 75, Sec. 5].

SEC. 848. **Shall deposit receipts, how.**—The treasurer shall deposit daily the whole amount received during such day with the city depository and shall take duplicate receipts for the same, one of which shall be delivered to the city auditor and the other to the city comptroller, daily. [R. O. 1897, Chap. 75, Sec. 6].

SEC. 849. **Checks to be countersigned.**—Money needed by the treasurer in disbursements on warrants or requisition shall be drawn out of the city depository on his checks, countersigned by the auditor and approved by the signature of the comptroller,

and the city depository shall not honor or pay any check not so drawn, countersigned and approved. [R. O. 1897, Chap. 75, Sec. 7].

SEC. 850. **Daily report of disbursements.**—It shall be the duty of the treasurer to make a daily report to the comptroller of the amount of his disbursements, which report shall be accompanied by the canceled indebtedness, which the comptroller shall turn over to the city auditor at the end of each month. [R. O. 1897, Chap. 75, Sec. 8].

SEC. 851. **Tax book delivered to the comptroller, when.**—On the closing of the tax collections of each fiscal year, the land tax book shall be turned over by the collector to the comptroller. [R. O. 1897, Chap. 75, Sec. 9].

SEC. 852. **Official dereliction—penalty.**—If the treasurer shall fail to perform each and every duty hereinbefore imposed, or shall fail to pay over each and every day all moneys coming into his hands as treasurer to the city depository, or if he shall draw or attempt to draw any money from the city depository except upon his checks, countersigned and approved as hereinbefore provided, he shall forfeit his office and all the pay and emoluments thereof. [R. O. 1897, Chap. 75, Sec. 10].

ARTICLE VI.

CLERK—CITY CLERK.

SECTION

- 853. General duties.
- 854. To keep a record of proceedings.
- 855. Copies of papers to be furnished, fees for.
- 856. Shall endorse papers filed.
- 857. May appoint deputy.

SECTION

- 858. To be custodian of laws and ordinances.
- 859. Shall deliver laws and ordinances to whom.
- 860. Clerk may sell copies, proceeds to be deposited with treasurer.

SEC. 853. **General duties.**—It shall be the duty of the city clerk, in addition to the duties imposed upon him by the general laws of the state of Missouri:

First. To permit no records, public papers or other documents of the city, kept and preserved in his office, to be taken therefrom, except by such officers of the city as may be entitled to the use thereof, and then only upon their leaving a receipt therefor.

Second. To attest all ordinances and all signatures of the mayor when necessary, affix the seal of the city to all documents requiring the same, and to sign all resolutions adopted by the common council.

Third. To prepare all commissions of officers which the mayor is required to sign, and to countersign the same and affix the seal of the city thereto.

Fourth. To keep a complete record of all commissions issued, and of the official oaths and bonds of all city officers.

Fifth. To cause the ordinances and an abstract of all council proceedings to be published, as required by the general laws of the state of Missouri, or ordered by the common council, and to examine and correct the proof thereof. [R. O. 1897, Chap. 17, Sec. 1].

SEC. 854. **To keep a record of proceedings.**—The city clerk shall record all resolutions and ordinances passed by the common council which shall become laws, and all petitions under which the common council shall order public work to be done at the expense of the property fronting thereon. Such records of resolutions, ordinances, petitions and the record of the proceedings of the common council, shall be properly indexed by the clerk. [R. O. 1897, Chap. 17, Sec. 2].

SEC. 855. **Copies of papers to be furnished, fees for.**—The city clerk shall not be obliged to furnish written copies of ordinances or other papers for the use of any city officer or other person: but upon request of any city officer he shall, without charge, attest any copy of any paper, document or record presented to him, and affix the seal of the city thereto. He shall be entitled to receive fifty cents for every certificate, with seal affixed, made for individual use, and shall be allowed to charge at the rate of ten cents per hundred words for copying all ordinances, papers, records or council proceedings desired for individual use, to be paid by the party ordering the same. [R. O. 1897, Chap. 17, Sec. 3].

SEC. 856. **Shall endorse papers filed.**—On every paper or document filed in the office of the city clerk, he shall endorse the date of such filing, together with an abstract of the contents of such paper or document. [R. O. 1897, Chap. 17, Sec. 4].

SEC. 857. **May appoint a deputy.**—The city clerk may, by an instrument in writing, under his hand appoint a deputy, who shall have and exercise under the supervision of the city clerk, all the powers and perform any of the duties of the city clerk, and may remove such deputy at his pleasure. The city clerk and his securities shall be responsible on his official bond for all acts done or omitted by such deputy, in the same manner as for his own acts or omissions. The salary of such deputy city clerk shall be \$1,200.00 per annum, payable monthly as other officers are paid. [G. O. No. 815, Sec. 5].

SEC. 858. **To be custodian of laws and ordinances.**—The city clerk shall be the custodian and responsible person for the safe keeping of all bound and printed copies of the laws and ordin-

ances of the city of St. Joseph, and whenever the delivery thereof shall be made to him by the printer, binder or other person, he shall forthwith furnish to the comptroller a statement showing the nature and numbers of such delivery. [R. O. 1897, Chap. 17, Sec. 6].

SEC. 859. **Clerk shall deliver laws and ordinances to whom.**—Upon receiving a receipt therefor, in a proper book prepared for that purpose, the city clerk shall deliver such laws and ordinances to the following named officers of the city and other officials, to wit: One each to the counselor, comptroller, engineer, chief of police, assessor, inspector of licenses, street commissioner, health officer, superintendent of buildings, electrician, market master, weigh master, superintendent of workhouse, boiler inspector, live stock inspector, clerk of police court, board of police commissioners, board of park commissioners, board of library directors, board of health, board of public works, board of charities, public library, state library, police station, each hose house, and each elective officer of the city, to the mayors of other metropolitan cities when applied for or in exchange for like favors, and to such other persons or officers, without payment therefor, as may be from time to time authorized by resolution of the common council. [R. O. 1897, Chap. 17, Sec. 7].

SEC. 860. **Clerk may sell copies, proceeds to be deposited with treasurer.**—Upon application therefor the city clerk may sell and deliver to any attorney or other citizen of St. Joseph a copy of such laws and ordinances for a price not less than the actual cost of compilation, printing and binding. The city clerk shall deposit with the treasurer all moneys received from books so sold; he shall keep a record of every copy delivered, or sold, and shall report to the comptroller every such delivery or sale. [R. O. 1897, Chap. 17, Sec. 8].

ARTICLE VII.

ASSESSOR.

SECTION

861. May appoint deputies.
862. All property to be assessed at cash value.
863. Real property, how assessed.

SECTION

864. Personal property, how assessed.
865. Bank stock, etc., how assessed.
866. Full names to be signed; penalty.

SEC. 861. **May appoint deputies.**—The city assessor shall have the power to appoint one or more deputies for each ward of the city, as provided by, and who shall be subject to all the conditions and provisions of Sec. 5574, Revised Statutes of Missouri of 1899. [R. O. 1897, Chap. 4, Sec. 1].

SEC. 862. **To be assessed at its cash value.**—All property whatsoever shall be assessed at its cash value. [R. O. 1897, Chap. 4, Sec. 2].

SEC. 863. **Real property, how assessed.**—In assessing real property no lot, tract or parcel of land shall have a higher valuation placed on it than the valuation placed thereon at the last assessment made for county and state purposes; but to such valuation there shall be added by the assessor the value of all improvements made on each lot, tract or parcel of ground since the date of last assessment made for state and county purposes, which added valuation shall be by the assessor placed in a separate column on the city land tax book. And to determine the value of such improvement the assessor may examine, under oath, the owner thereof, and such other competent persons as he may deem proper. [R. O. 1897, Chap. 4, Sec. 3].

SEC. 864. **Personal property, how assessed.**—In assessing personal property the assessor or a deputy shall, as far as possible, visit the residence or place of business of each person owning personal property, and require such person to list all personal property owned by, or in possession of, or under the control of such person, separating and placing each kind of property in the space designated on such list, first administering an oath to an-

swer all questions touching the personal property or its value. When the list is complete he shall require such person to sign and verify the affidavit thereto. If any person refuse to take said oath, or shall refuse to sign and verify such affidavit, he shall note such refusal on said list and report in writing at once such person to the city comptroller for prosecution, as the law directs; and he shall assess such person according to the best information he can get, as provided by law: and to do so he may enter upon the premises of such person and value such property according to his judgment, noting these facts, in writing, on such lists. [R. O. 1897, Chap. 4, Sec. 4].

SEC. 865. **Bank stock, etc., how assessed.**—The assessor shall, before the fifth day of January of each year, in person, deliver a written or printed notice, with list attached thereto, to each bank in the city of St. Joseph, notifying the president or other chief officer of such bank to, under oath, deliver, duly signed, at his office, a list of all shares of stock held in such bank, and names of the persons holding the same, on the first day of January, together with a list of all real estate belonging to such bank lying within said city, and also the cash value of such stock within five days after service of such notice; and he shall preserve in his office, in writing, date of service and upon whom. If any bank president or other officer thereof fail, refuse or neglect to deliver such list signed and sworn to within the time and in the manner provided by law, then he shall, in writing, report such president or other chief officer of such bank to the city comptroller for prosecution, and then assess the stock of such bank as provided by law. [R. O. 1897, Chap. 4, Sec. 5].

SEC. 866. **Full name to be signed; penalty.**—In all cases the assessor shall sign his full name to each list, the writing and signatures to be written with ink, and the first christian name of each person written in full; and the assessor shall, in copying the lists into the city tax books, make a full and correct copy thereof; and any assessor who shall fail or neglect to comply with any of the requirements or provisions of this ordinance, or of the laws of this state pertaining to or relating to his duties as assessor shall forfeit to the city the sum of one hundred dollars, to be recovered by suit in the name of the city in any court of competent jurisdiction. [R. O. 1897, Chap. 4, Sec. 6].

ARTICLE VIII.

ATTORNEY—CITY ATTORNEY.

SECTION 867. Duties of city attorney.

Sec. 867. **Duties of city attorney.**—It shall be the duty of the city attorney, in addition to the duties imposed upon him by the general laws of the state of Missouri:

First. To prepare all charges and complaints against parties for violations of city ordinances, and appear daily before the judge of the police court to prosecute all offenders against the laws and ordinances of the city.

Second. To defend all actions before the judge of the police court brought against any officer, servant or agent of the city on account of his official acts.

Third. To appear and prosecute in the criminal court of Buchanan county in all cases by appeal from the judge of the police court.

Fourth. To give personal attention to all such matters affecting the interests of the city, or any of its officers, as may be referred to him by the common council, and such as may be required of him by the city counselor, whose assistant he shall be. [R. O. 1897, Chap. 5, Sec. 1].

ARTICLE IX.

ELECTRICIAN.

SECTION

- 868. Electrician, appointment and removal of.
- 869. Shall attend to duties, qualifications, etc.
- 870. Shall superintend electric light plant, hire and discharge employes, etc.
- 871. Shall require electrical wires, poles, etc., upon public highways to be placed, how.
- 872. Shall keep a record of expenses.
- 873. Inspection of electrical wires, etc.

SECTION

- 874. Rules for electrical wiring.
- 875. Altering apparatus or wires, electrician must be notified.
- 876. Term "electric" or "electrical wires" defined.
- 877. Electrician to keep record of inspections and issue permits.
- 878. Appeal from decision of electrician to be arbitrated.
- 879. Certificates of inspection, record of.
- 880. Penalty.

SEC. 868. Office of city electrician created—term of—bond, etc.—There is hereby created in and for the city of St. Joseph the office of city electrician. The mayor by and with the consent of the common council, shall appoint some suitable person to fill such position. The city electrician shall hold his position until removed for cause, such removal to be effected in the manner provided by law for the removal of other appointed officers of the city. In case of a vacancy in said office it shall be filled by appointment as herein provided. The city electrician shall give bond in the sum of five thousand dollars for the faithful performance of his duties. He shall receive a salary of eighteen hundred dollars per annum, payable monthly. [G. O. No. 571, Sec. 1].

SEC. 869. Qualifications of, duties, etc.—The city electrician shall be an experienced and practical electrician, and shall devote his time and personal attention to the duties of his office as defined by ordinance now or hereafter to be passed. He shall not be the agent or employe or interested with any person or persons dealing in, or erecting electrical work of any kind. [R. O. 1897, Chap. 27, Sec. 2].

SEC. 870. Shall superintend electric light plant—employment of employes, etc.—It shall be the duty of said city electrician to personally superintend the operation of the city electric light plant, and under the direction of the council or committees acting therefor, shall purchase such supplies, make such changes, improvements, extensions or other work as may be ordered or provided for by ordinance, shall meet with the committees when required, and shall approve all correct bills created on account of said department. He shall have the power to appoint all employes at the street lighting plant. Any employe may be removed by the city electrician for neglect of duty or other cause deemed good and sufficient by him. [R. O. 1897, Chap. 27, Sec. 3].

SEC. 871. Shall supervise erection of poles, wires, etc., for electrical purposes upon highways.—It shall also be the duty of said city electrician to require that all electrical wires, poles and appliances of all kinds for electrical purposes now or hereafter to be erected upon the streets, alleys or public highways shall be placed or erected as required by ordinance. [R. O. 1897, Chap. 27, Sec. 4].

SEC. 872. Record of expenditures.—Said city electrician shall keep a set of books showing in detail all expenditures on account of the street lighting plant, and shall make such reports as may be called for. [R. O. 1897, Chap. 7, Sec. 5].

SEC. 873. Inspection of electrical wires, etc.—It is hereby made the duty of the city electrician, in addition to the duties now required of him by the ordinances of the city, to have charge of the enforcement of all ordinances now in force or which may hereafter be passed pertaining to the inspection and installation of electrical apparatus and wires, to see that no electrical current is turned on or installed in any new work until after inspection; Provided, that nothing herein contained shall be construed as applying to old work already installed, unless the electrician is called upon by the owner or tenant for such inspection when the same inspection shall be made as is required of new work. [R. O. 1897, Chap. 27, Sec. 6].

SEC. 874. Rules for electrical wiring.—All electrical wires shall be so placed and arranged that they would still be practi-

cally insulated in the event of their insulating covering getting worn away or removed, and rules and requirements of the National Electrical Light Association shall be strictly adhered to. [R. O. 1897, Chap. 27, Sec. 7].

SEC. 875. Altering apparatus or wires—electrician must be notified.—No alteration, change or addition shall be made in such electrical apparatus or wires without first notifying the city electrician and subjecting the same to inspection, subject to the provisions of this ordinance. All wires to be hidden from view must be inspected before concealment, and the parties installing such wires must notify the city electrician, giving him ample time to make such inspection. [R. O. 1897, Chap. 27, Sec. 8].

SEC. 876. Term “electric,” or “electrical wires,” defined.—The term “electric” or “electrical wires,” as used in this ordinance, shall be construed to mean wires that are arranged or placed in or on any building or support and designed to be used as conductors of electricity for any purpose, but especially for producing light, heat or power, or designed to be used for convenience or protection against fire, in connection with such generators, electric motors, electric wires, lamps, switches, cut-outs, rheostats and other devices. [R. O. 1897, Chap. 27, Sec. 9].

SEC. 877. Electrician to keep record of inspection, shall issue permits.—The city electrician shall make and keep a record of all such inspections herein mentioned, giving location, date, name of party installing electrical apparatus or wires, for whom installed, and giving a general description of such inspection; and when this ordinance shall have been strictly complied with he shall make and deliver to the party for whom the inspection was made a certificate of inspection, giving location, date, name of party installing electrical apparatus or wires, and for whom installed. The city electrician shall decide all questions not provided for in this ordinance pertaining to the installing of electrical apparatus or wires. [R. O. 1897, Chap. 27, Sec. 10].

SEC. 878. Appeal from decision of electrician—arbitrators.—Appeal may be had from an order or decision of the city electrician to a board of electricians to be selected as follows: One to be selected by the inspector, one to be selected by the appellant,

these two to agree on and select the third arbitrator previous to considering the appeal, said third arbitrator to be called upon on failure of the two arbitrators to agree, the loser of the appeal to pay the costs of the board of appeals. [R. O. 1897, Chap. 27, Sec. 11].

SEC. 879. **Certificates of inspection—record of inspection.**—Certificates of inspection shall be properly made or filled out by the city electrician in duplicate, one to be delivered to the party for whom made and the other to be filed with the comptroller. A complete record of all inspections shall be kept by the electrician in a book to be provided by the city. [R. O. 1897, Chap. 27, Sec. 12].

SEC. 880. **Penalty.**—Any person who violates or fails to comply with any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and, on conviction, shall be fined not less than five dollars nor more than twenty-five dollars, and to a like penalty for each day during which he shall continue such violation. [R. O. 1897, Chap. 27, Sec. 13].

ARTICLE X.

ENGINEER—CITY ENGINEER.

SECTION

881. Office created.

882. Appointed, how.

SECTION

883. Qualifications of city engineer.

SEC. 881. **Office created.**—There is hereby created in the city of St. Joseph an office which shall be known as the office of city engineer. It shall be the duty of the city engineer to superintend the construction of all public works ordered by the common council or by the board of public works, to make out plans, specifications and estimates thereof, and do the surveying and engineering ordered by the city, and to perform such other duties as are now or may be prescribed by ordinance. [G. O. No. 697, Sec. 1].

SEC. 882. **Appointed how.**—The city engineer in the foregoing section provided for shall be appointed by the mayor, by and with the advice and consent of the common council, and shall hold his office until the third Monday in April, 1903, and thereafter the city engineer shall hold his office for two (2) years from the third Monday in April. [G. O. No. 697, Sec. 2].

SEC. 883. **Qualifications of city engineer.**—The city engineer shall be a person well skilled in the science of engineering and building and the practical application thereof. He shall, in addition to the oath prescribed for city officers, take an oath that he is not and will not be, during his continuance in office, directly or indirectly interested in any contract with the city for any public work. [R. O. 1897, Chap. 28, Sec. 1].

ARTICLE XI.

BONDS OF CITY OFFICERS.

SECTION

884. Bonds of city officers.

885. Same—amount of bond required.

SECTION

886. Bond of city comptroller.

887. Bond of public impounder.

SEC. 884. **Bonds of city officers.**—The city officers named in the next succeeding section shall, before entering upon the duties of their respective offices, give bond to the city of St. Joseph with two or more securities, residents of the city, to be approved by the comptroller, conditioned for the faithful discharge of their duties. [R. O. 1897, Chap. 13, Sec. 1].

SEC. 885. **Same—amount of bond required.**—The city officers hereinafter named shall enter into bond conditioned as set forth in the last preceding section in the following sums respectively:

City auditor	\$30,000
City attorney	5,000
City clerk	5,000
City engineer	10,000
City physician	5,000
City assessor	10,000
City counselor	5,000
Chief of fire department	5,000
Superintendent of buildings.....	5,000

[R. O. 1897, Chap. 13, Sec. 1].

SEC. 886. **Bond of city comptroller.**—The city comptroller shall, before entering upon the duties of his office, give bond to the city of St. Joseph in the sum of fifty thousand dollars, with two or more securities, residents of the city, to be approved by the mayor, conditioned for the faithful discharge of his duties. [R. O. 1897, Chap. 13, Sec. 2].

SEC. 887. **Bond of public impounder.**—Before entering upon the discharge of his duties, the public impounder of the city of St. Joseph shall give bond in the sum of two hundred and fifty dollars, conditioned upon the faithful performance of the duties of his office, and that he will take proper care of the animals coming into his charge. [R. O. 1897, Chap. 13, Sec. 3].

ARTICLE XII.

OFFICERS AND EMPLOYES, CITY.

ARTICLE

- 888. City officers not accepted on bond.
- 889. Officer not to be absent without leave.
- 890. Books, papers and furniture to be delivered to successor.
- 891. Books and papers subject to inspection.
- 892. Officer must not deal in city warrants, etc.
- 893. Cannot retain city's money for wages or salary.
- 894. Term of office two years unless otherwise provided.
- 895. Suspended officer to be investigated by a committee.
- 896. Copy of charges to be served on accused.
- 897. Council to hear evidence.
- 898. Decision; effect thereof.
- 899. Proceedings to be entered on journal.
- 900. Witness may be subpoenaed.

SECTION

- 901. Defaulting witness may be punished.
- 902. Depositions may be read at the trial.
- 903. Case to be represented by counsel.
- 904. Fees of witness to be paid.
- 905. Officers may appoint deputies, etc.
- 906. City employe must be a citizen, etc.
- 907. Eight hours declared a legal day's work.
- 908. Officer shall place money deposits in city depository, etc.
- 909. Same; penalty
- 910. Reports of city officers.
- 911. Duplicate reports to comptroller.
- 912. Cost of each job to be given separately.
- 913. Penalty for violation.

SEC. 888. **City officer not accepted on bond.**—No member of the common council or other officer of said city shall be accepted security on any official bond, and no such bond shall be approved by the comptroller unless the form thereof shall have been first approved by the city counselor, attested by his endorsement thereon. [R. O. 1897, Chap. 52, Sec. 1].

SEC. 889. **Officer not to be absent without leave.**—Any officer desiring to be temporarily absent from the city shall apply to the mayor for leave of absence, which may, in the discretion of the mayor, be granted, in writing, for any term not exceeding thirty days, and when granted, shall be filed with the city clerk; and if any officer shall be absent from the city more than ten days without such written permission, the mayor may declare his office vacant. [R. O. 1897, Chap. 52, Sec. 2].

SEC. 890. **Books, etc., to be delivered to successor.**—Every officer shall, upon going out of office, deliver to his successor all books, papers, furniture and other things appertaining to his office. [R. O. 1897, Chap. 52, Sec. 3].

SEC. 891. **Books may be inspected.**—Every officer shall, at all times when required, submit the books and papers of his office to the inspection of the mayor, city counselor or any member of the common council. [R. O. 1897, Chap. 52, Sec. 4].

SEC. 892. **Officer must not deal in city warrants, etc.**—No officer of this city, nor any deputy, clerk or employe of any such officer, nor any servant or agent of this city, shall directly or indirectly, himself or by another, for his own or other's benefit, deal in the purchase of city warrants, bonds or other obligations of this city. [R. O. 1897, Chap. 52, Sec. 5].

SEC. 893. **Cannot retain city money for wages or salary.**—No city officer collecting money on account of the city of St. Joseph shall retain the same, or any part thereof, to satisfy any claims for wages or salary which he may have against the city. [R. O. 1897, Chap. 52, Sec. 6].

SEC. 894. **Term of office two years unless, etc.**—All officers of this city, unless otherwise provided by law or ordinance, shall hold their offices for two years and until their successors shall be duly appointed and qualified, and their terms of office, when not otherwise directed, shall commence on the third Monday in April. [R. O. 1897, Chap. 52, Sec. 7].

SEC. 895. **Suspended officer to be investigated.**—Whenever any officer shall be suspended by the mayor, or shall be charged with wilful violation of any of his official obligations, or with culpable official negligence or dereliction of duty, or with conduct inconsistent with his official character and duty, or official incompetency, the common council shall appoint a committee of three members to inquire into the truth of such charge, who, if they deem the same well founded, shall frame and report to the common council charges and specifications against such officer, and the council shall appoint a day for hearing and determining the same. [R. O. 1897, Chap. 52, Sec. 8].

SEC. 896. **Copy of charges to be served on accused.**—A copy of such charges and specifications, with a notice of the day set for hearing the same, shall be served on the accused at least five days before the day for hearing. [R. O. 1897, Chap. 52, Sec. 9].

SEC. 897. **Council to hear evidence.**—Upon the day so set the common council shall meet in session to hear the evidence against and for the accused, adjourning from time to time, as may be necessary, until the evidence shall have been given. [R. O. 1897, Chap. 52, Sec. 10].

SEC. 898. **Decision, effect thereof.**—Within three days after the evidence shall have been taken, the common council shall vote upon each charge separately. The question shall be: Is the accused guilty or not guilty? If two-thirds of the whole number elect of the common council vote guilty on either of the charges, they may resolve that he be removed from office; and if they so resolve, they shall notify the mayor thereof, who shall thereupon declare the office of said accused to be vacant. [R. O. 1897, Chap. 52, Sec. 11].

SEC. 899. **Proceedings to be entered upon journal.**—The proceedings of the common council shall be entered at large on their journal. [R. O. 1897, Chap. 52, Sec. 12].

SEC. 900. **Witnesses may be subpoenaed.**—Subpoenas for witnesses to testify on any city trial had as aforesaid, shall be issued by the president of the common council, and shall be served by the city police. [R. O. 1897, Chap. 52, Sec. 13].

SEC. 901. **Defaulting witness may be punished.**—Any witness who shall neglect to obey said subpoena, or appearing shall refuse to testify, may be punished by imprisonment or fine, or both. [R. O. 1897, Chap. 52, Sec. 14].

SEC. 902. **Depositions may be read at trial.**—Depositions of witnesses beyond the jurisdiction of the common council, or disabled by sickness or other cause from attendance, may be read on the trial, if taken in conformity with the laws of the state. The notice of the taking thereof, when taken on behalf of the accused, shall be served on the city counselor or the mayor. [R. O. 1897, Chap. 52, Sec. 15].

SEC. 903. **Case to be represented by counsel.**—Upon any trial had, as aforesaid, the accused shall be entitled to be heard by himself and counsel, in his defense; and the city counselor shall attend the trial and prosecute on behalf of the city, unless he be the accused, in which event the common council shall appoint some competent person to prosecute. [R. O. 1897, Chap. 52, Sec. 16].

SEC. 904. **Fees of witnesses to be paid.**—Witnesses upon such trial shall be entitled to the same fees as for attendance on the police court. The president of the common council shall certify the amount of costs and the names of the persons to whom the same is due, to the city auditor, who shall draw his warrant on the treasurer in favor of each person for the amount due. [R. O. 1897, Chap. 52, Sec. 17].

SEC. 905. **Officers may appoint deputies, etc.**—The clerk, treasurer, auditor, assessor, inspector of weights and measures, city weighmaster and market master may, with the consent of the mayor and common council, appoint one or more deputies; which appointment shall be in writing and filed with the clerk. Any such deputy shall take an oath similar to that required of the principal, and is hereby authorized and empowered to execute and perform any duty or function required to be performed by the principal, in like time and manner as the principal, and the principal shall be liable upon his official bond for any misconduct or malfeasance or misfeasance of such deputy in office, in like manner as if he were himself guilty of such act. [R. O. 1897, Chap. 52, Sec. 18].

SEC. 906. **City employe must be a citizen.**—It shall be unlawful for any officer or person in the employ of the city of St. Joseph, to hire or employ, in any capacity whatever, any person at the expense of the city, who is not a citizen of the United States, or who has not declared his intention to become a citizen of the United States, and who is not a resident of the city of St. Joseph. Any officer or other person violating any provision of this section, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding twenty-five dollars for each offense. [R. O. 1897, Chap. 52, Sec. 19].

SEC. 907. **Eight hours declared a legal day's work.**—Eight hours labor shall be declared a legal day's work for all persons employed by the city within its limits, police and members of the fire department excepted. [R. O. 1897, Chap. 52, Sec. 20].

SEC. 908. **Officer shall place money deposits in city depository, etc.**—It is hereby made the duty of any officer of the city of St. Joseph, with whom any money may be deposited by any person, firm, company or corporation, or who may have the custody or control of any money so paid or deposited under any law or ordinance of said city, to at once deposit and place said money in the city depository, where the city money is deposited, as a separate account or accounts at the same rate of interest as is paid on the city deposits, and such officer or officers shall, unless otherwise provided by ordinance, report all interest so received or paid on such deposits at the times and in the manner as is required on the regular city accounts, and such interest shall be accounted for by such officer or officers and shall be credited to the general city fund. [R. O. 1897, Chap. 52, Sec. 21].

SEC. 909. **Same; penalty.**—Any officer who shall fail or refuse to comply with the requirements of the preceding section shall forfeit his right to hold such office, and shall also forfeit and pay to the city of St. Joseph for each day he shall so fail or refuse to comply with the terms of the preceding section, one hundred dollars. [R. O. 1897, Chap. 52, Sec. 22].

SEC. 910. **Reports of city officers.**—That it be and is hereby made the duty of all city officers and heads of departments to make a report on the last day of each fiscal month, to the finance committee, showing in detail all expenditures made by said officer or head of department during said month and out of what fund and appropriation; said report shall also set forth fully any indebtedness or liability, of any nature whatsoever, contracted during said month, with the names of the parties, for what purpose, etc. And if no liability or indebtedness of any kind has been contracted by said officer or head of department, he shall so state specifically in his report. [G. O. No. 562, Sec. 1].

SEC. 911. **Duplicate reports to comptroller and auditor.**—It is hereby made the further duty of all city officers or heads of

departments to make duplicates of the reports named in the foregoing section and file one of the same with the comptroller and the other with the city auditor. [G. O. No. 562, Sec. 2].

Sec. 912. Cost of each job to be given separately.—All city officers and heads of departments, shall, in the reports above required to be made, include a statement of the cost of each separate job or piece of work when the same is completed; and if said job or piece of work is incomplete at the end of the fiscal month, said statement of report shall show what amount remains unexpended, together with an estimate of the amount required to complete the same. If the amount remaining unexpended does not appear sufficient to complete the work, then said work shall be stopped at once upon the expenditure of the amount appropriated, unless an additional appropriation has been made in the meantime for the specific purpose of completing said work. [G. O. No. 562, Sec. 3].

Sec. 913. Penalty for violation.—Any wilful violation of the foregoing provisions of this ordinance shall be a sufficient cause for the removal of the officer so violating the same. [G. O. No. 562, Sec. 5].

CHAPTER XXXV.

ORDINANCES.

SECTION

914. Ordinances shall be recorded, etc.
 915. Effect of repeal or modification.
 916. When the same act violates two ordinances.
 917. General construction provided for.
 918. Damages may be recovered, when.
 919. Veto, effect of; passing over veto.

SECTION

920. Failure to return ordinance, effect of.
 921. To be numbered and classed.
 922. Deposit required for publishing ordinance granting franchise, etc.
 923. Deposit disposed of, how.
 924. Copies of certain ordinances to be filed with clerk.

SEC. 914. Ordinances shall be recorded, etc.—All ordinances passed by the common council shall be recorded by the city clerk, and shall take effect from and after their passage unless therein otherwise expressly provided. The originals shall be filed in the clerk's office, and due proof of the publication of all ordinances by the affidavit of the printer or publisher shall be procured by the clerk and attached thereto, or written and attested upon the face of the record of such ordinances. [R. O. 1897, Chap. 53, Sec. 1].

SEC. 915. Effect of repeal or modification.—Whenever an ordinance or part of an ordinance shall be repealed or modified by a subsequent ordinance, the ordinance or part of ordinance thus repealed or modified shall continue in force until the due publication of the ordinance repealing or modifying the same, unless therein otherwise expressly provided; but no suit, proceeding, right, fine or penalty instituted, created, given, secured or accrued under any ordinance previous to its repeal shall in any way be affected, released or discharged, but may be prosecuted, enjoyed and recovered as fully as if such ordinance had continued in force, unless it shall be therein expressly provided otherwise. [R. O. 1897, Chap. 53, Sec. 2].

SEC. 916. When the same act violates two ordinances.—In all cases where the same offense may be made punishable, or shall

be created by different clauses or sections of the ordinances of the city, the prosecuting officer may elect under which to proceed: but not more than one recovery shall be had against the same person for the same offense. [R. O. 1897, Chap. 53, Sec. 3].

SEC. 917. General construction provided for.—Whenever any words in any ordinance, importing the plural number, shall be used in describing or referring to any matters parties or persons, any single matter, party or person shall be deemed to be included, although distributive words may not be used; and when any subject matter, party or person shall be referred to in any ordinance by words importing the singular number only, or the masculine gender, several matters, parties or persons, and females as well as males, and bodies corporate, shall be deemed to be included: Provided, that these rules of construction shall not be applied to any ordinance which shall contain any express provision excluding such construction, or where the subject matter or context of such ordinance may be repugnant thereto. [R. O. 1897, Chap. 53, Sec. 4].

SEC. 918. Damages may be recovered, when.—Whenever, in any ordinance, the doing of any act, or the omission to do any act or duty, is declared to be a breach thereof, and damage, loss, expense or injury to the city, or to any person, is a result or consequence of such doing or omission, compensation for such damage, loss, expense or injury may be recovered from the offender by the party aggrieved. [R. O. 1897, Chap. 53, Sec. 5].

SEC. 919. Veto—effect of—passing over veto.—When an ordinance that has passed the common council shall be presented to the mayor for his approval, and shall be returned with his objection thereto, and if, upon reconsideration, it shall pass the common council by a vote of two-thirds of all the members elected, as provided and required by the law, such ordinance shall be authenticated as having become a law by a certificate endorsed thereon, as follows:

This ordinance having been returned by the mayor with his objections thereto, and, after reconsideration, having passed the common council by a vote of two-thirds of all the members elected, as provided and required by law, has become a law this.....day of.....A. D. 18....

Which, after being signed by the president of the common council, shall be a sufficient authentication thereof; and such ordinance, after being signed, as aforesaid, shall be transmitted to the clerk, who shall record, file and publish the same. [R. O. 1897, Chap. 53, Sec. 6].

SEC. 920. Failure to return ordinance; effect of.—Any ordinance which shall have been passed by the common council, and delivered to the mayor for his approval, and shall not be returned by him to the city clerk or council within five days after such delivery, thereby becoming a law, shall be authenticated by the clerk's certificate, endorsed thereon as follows:

The foregoing ordinance having been delivered to the mayor for his approval, on the.....day of.....18...., and not having been returned by him to the common council or clerk within five days thereafter, the same became a law on the.....day of.....18....

Which ordinance, thus certified, shall be filed, recorded and published, as in other cases. [R. O. 1897, Chap. 53, Sec. 7].

SEC. 921. To be numbered and classed.—All general ordinances hereafter passed shall be numbered, in the order of their passage, and shall be designated as general ordinance number; and all special ordinances shall, in like manner, be numbered and designated. [R. O. 1897, Chap. 53, Sec. 8].

SEC. 922. Deposit required for publishing certain ordinances.—The beneficiaries or persons, partnerships or corporations seeking, asking or soliciting the passage of any ordinance or ordinances, granting any rights, privileges or franchises, shall, before or at the time such ordinance is introduced, deposit with the city clerk a sum sufficient to pay for the publication of such ordinance or ordinances, and the city clerk shall thereupon endorse upon such ordinance the fact of such deposit and the amount thereof, and no such ordinance shall be passed until such deposit is so made and certified. [R. O. 1897, Chap. 53, Sec. 9].

SEC. 923. Deposit disposed of, how.—The city clerk shall pay all sums of money so deposited under the preceding section into the city treasury to the credit of the fund for city printing. [R. O. 1897, Chap. 53, Sec. 10].

SEC. 924. Copies of certain ordinances to be filed with clerk.

—All applicants to the common council for franchises of any kind, or amendments to existing franchises, shall, on presentation of the original to the city clerk for introduction before the council, file with said clerk twenty-five printed copies thereof, one of which shall be delivered to each member of the council, one each to the mayor, counselor, engineer and each daily newspaper published in the city. Said ordinances shall be printed upon paper to correspond in size with the filing blanks of the city clerk, the type used to be of the size known as “long primer,” set in columns twenty-four picas wide, with at least a pica space between each line. [R. O. 1897, Chap. 53, Sec. 11].

CHAPTER XXXVI.

PARKS.

ARTICLE

I. Public parks.

ARTICLE

II. Park commissioners.

ARTICLE I.

PUBLIC PARKS.

SECTION

- 925. Description of parks.
- 926. Krug Park; acceptance of deed for.
- 927. Playing in prohibited.
- 928. Not to injure grass.
- 929. Penalty.
- 930. Police to arrest.
- 931. Injuring property in public parks.

SECTION

- 932. Not to walk on grass or throw litter.
- 933. General ordinances shall govern parks.
- 934. Dogs running at large in parks prohibited.
- 935. Owner of dog shall be fined, when.

SEC. 925. **Description of parks.**—The public parks or squares of the city of St. Joseph hereinafter described shall be called respectively as follows: Patee park, bounded on the north by Seneca street: south, by Penn street; east, by Tenth street, and west by Ninth street. South St. Joseph park, bounded on the north by Duncan street, on the south by Doniphan avenue, on the east by Eleventh street, and on the west by Tenth street. Smith’s park, bounded on the north by Jules street, on the east by Twelfth street, on the west by Eleventh street, and on the south by Francis street. North St. Joseph park, bounded on the north by Market street, on the east by Washington avenue, on the south by Chestnut street, and on the west by Third street. [R. O. 1897, Chap. 54, Art. 1, Sec. 1].

SEC. 926. **Krug Park, acceptance of deed for.**—The deed executed by Henry Krug and Louise Krug and William Krug on the twenty-sixth day of February, 1890, conveying to the city of St. Joseph the pleasure grounds, or park, known and called “Krug

Park," be and the same is hereby accepted, subject to all conditions and limitations in said deed named. [R. O. 1897, Chap. 54, Art. 1, Sec. 2].

SEC. 927. **Playing in, prohibited.**—No person shall play at ball, quoits, cricket, or any other game, sport or play whatsoever, in any of said public parks or squares, nor throw stones, wrestle, nor run foot races in, over or upon the same. [R. O. 1897, Chap. 54, Art. 1, Sec. 3].

SEC. 928. **Not to injure grass.**—No person shall walk, stand or lie down upon any part of any of said public parks or squares, which is laid out and appropriated for grass and shrubbery. [R. O. 1897, Chap. 54, Art. 1, Sec. 4].

SEC. 929. **Penalty.**—Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not to exceed twenty dollars for every such offense. [R. O. 1897, Chap. 54, Art. 1, Sec. 5].

SEC. 930. **Police to arrest.**—The chief of police is hereby required to arrest or cause to be arrested all persons violating any of the provisions of this chapter and report them to the city attorney, who is required and directed to prosecute them before the judge of the police court and recover the fine herein imposed. [R. O. 1897, Chap. 54, Art. 1, Sec. 6].

SEC. 931. **Injuring property in public parks—penalty.**—Any person who shall wilfully break, mutilate, deface, destroy, or in any manner injure the fences, fountains, seats, lamps, posts, trees, shrubbery or any other object belonging to or placed in the public parks of this city, or the grounds belonging to said parks, for use or ornament, shall, upon conviction, be deemed guilty of a misdemeanor, and fined not less than five dollars nor more than five hundred dollars. [R. O. 1897, Chap. 54, Art. 1, Sec. 7].

SEC. 932. **Not to walk on grass or throw litter.**—No person shall be allowed to walk over the grass or to throw stones, gravel or litter over the grounds, or to remove the benches. Any person

violating any provision of this section shall, upon conviction, be deemed guilty of a misdemeanor, and fined not less than ten dollars. [R. O. 1897, Chap. 54, Art. 1, Sec. 8].

SEC. 933. **General ordinances to govern parks.**—All the general ordinances now in force in the city of St. Joseph shall also, as far as the same may be applicable, govern and apply to all parks belonging to the city, whether within or without the limits of said city. [R. O. 1897, Chap. 54, Art. 1, Sec. 9].

SEC. 934. **Dogs not allowed at large in park.**—Dogs are hereby prohibited from running at large in any public park. Any dog found in a public park, not being under the immediate control of its owner, and not being restrained by a rope, chain or other thing from running around therein is hereby declared a nuisance, and such nuisance may be abated by killing the dog, or by the removal of the dog from the park without killing, and it shall be the duty of the park keeper, also of policemen, to abate such nuisance. [R. O. 1897, Chap. 54, Art. 1, Sec. 10].

SEC. 935. **Owner of dog shall be fined.**—The owner or any other person in charge of a dog who shall suffer or permit such dog to trespass upon the grounds in said park or to run at large therein, or to otherwise violate the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one dollar, nor more than ten dollars for the first offense, and for any subsequent offense not less than five dollars, nor more than twenty dollars. [R. O. 1897, Chap. 54, Art. 1, Sec. 11].

ARTICLE II.

PARK COMMISSIONERS.

SECTION

936. Park commissioners, appointment of.

SECTION

937. Authority of commissioners.
938. No compensation.

SEC. 936. Park commissioners, appointment of.—The mayor of the city of St. Joseph is hereby authorized to appoint, by and with the consent of the council, three persons, who shall constitute a board of park commissioners; no two of said commissioners shall reside in the same ward. Of the first board so appointed one shall hold office for the term of two years, and one for the term of three years, to be determined between the persons composing the first board by lot, so that hereafter in each year but one commissioner shall be appointed, and his term shall be for a period of three years. Any vacancy occurring may be filled by appointment, as above provided. [R. O. 1897, Chap. 54, Art. 2, Sec. 1].

SEC. 937. Authority of commissioners.—Said board of park commissioners shall have the full and exclusive control and management of the parks of the city of St. Joseph. They shall improve and beautify the same with such funds as may be provided by the council from time to time, or from any other source. They shall be authorized to distribute in the fall of the year flowers that cannot be kept over the winter to the citizens of St. Joseph, free of charge, for a period of three (3) days. The board of park commissioners shall decide when such distribution shall be made, and cause a notice, giving the dates of said distribution, to be published previously for three days, in the newspaper doing the city printing. [G. O. No. 671, Sec. 1].

SEC. 938. No compensation.—The board of park commissioners shall receive no compensation for their services. [R. O. 1897, Chap. 54, Art. 2, Sec. 3].

CHAPTER XXXVII.

PASSENGER DEPOTS.

SECTION

939. Passengers, solicitation of at depot.

940. Hotel runners, etc., shall not solicit in depot.

SECTION

941. Carriages for passengers, regulations governing.

942. Penalty.

SEC. 939. **Passengers—solicitation of at depots.**—No expressman, hackman, or omnibus driver shall go upon the platform of, or into any railroad passenger depot in this city for the purpose of soliciting either passengers or baggage: Provided, however, they may stand upon the platform of any railroad passenger depot, if they remain within three feet from the edge thereof, and within three feet of their respective vehicles. Provided, further, that this section shall not be so construed as to prohibit any person, company or partnership engaged in omnibus, carriage or baggage transfer business from keeping and maintaining an office in such Union Depot or railroad station, by and with the consent of the owners of such Union Depot or railroad station. [R. O. 1897, Chap. 55, Sec. 1].

SEC. 940. **Hotel runners, etc., shall not solicit in depots.**—No hotel runner, drummer or porter shall be permitted or allowed to go upon the platform of, or into any railroad passenger depot in this city for the purpose of soliciting any passenger, passengers or baggage. [R. O. 1897, Chap. 55, Sec. 2].

SEC. 941. **Carriages for passengers—regulations governing.**—No owner, driver or conductor in charge of any hack, cab, carriage, omnibus, buggy, wagon or other vehicle, public or private, shall stand his vehicle on the east side of Sixth street west of the Union Depot, immediately opposite the canopy of said Union Depot extending over the sidewalk in said street, for any longer time than is necessary for the prompt discharge or receipt of passengers to and from such vehicle. And no owner, driver or conductor of any hack, cab or carriage engaged in the business of carrying passengers and persons to and from said Union Depot

shall stand his vehicle in Sixth street opposite said Union Depot near or adjoining the sidewalk south of the Union Depot canopy over the sidewalk while waiting for passengers or soliciting patronage for such vehicle; and no owner, driver or conductor of any omnibus or baggage wagon shall stand his vehicle in Sixth street opposite the Union Depot near or adjoining the sidewalk north of said Union Depot canopy while waiting for passengers or soliciting patronage for such vehicle. It being the intention of this ordinance that the space in Sixth street immediately opposite the canopy aforesaid shall be kept clear and unobstructed so far as possible for the prompt ingress and egress of conveyances having passengers to discharge or receive at said Union Depot, and the west main entrance thereof under said canopy; and that the space north of said canopy shall be for the sole use of standing carriages, hacks, cabs and other vehicles other than omnibuses and baggage wagons, while soliciting patronage or waiting for passengers, and the space south of said canopy shall be for the sole use of standing omnibuses while soliciting patronage or waiting for passengers. [G. O. 799, Sec. 1].

SEC. 942. **Penalty.** Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in a sum not less than two dollars nor more than twenty dollars for each violation. [R. O. 1897, Chap. 55, Sec. 4].

CHAPTER XXXVIII.

PAWNBROKERS.

SECTION

- 943. Pawnbroker, license for.
- 944. Pawnbroker defined.
- 945. Application for license.
- 946. Pawnbroker to keep books, etc.
- 947. Books open to inspection.

SECTION

- 948. Dealing with minor, etc.
- 949. Fees of pawnbroker.
- 950. Time of redemption, failure to redeem.
- 951. Penalty.

SEC. 943. **Pawnbroker, license for.**—No person or persons shall carry on or conduct the business or calling of a pawnbroker within the city of St. Joseph without having first obtained a license so to do, under a penalty of not less than twenty dollars nor more than one hundred dollars for each offense, and the charge for such license shall be one hundred dollars per year. [R. O. 1897, Chap. 56, Sec. 1].

SEC. 944. **Pawnbroker defined.**—Any person who loans money on deposit or pledge of any personal property, bonds, notes or other securities, whether a chattel mortgage is given by the person so borrowing to the person so lending, in addition to such deposit or pledge, or not, or who deals in the purchasing of personal property or choses in action, on condition of selling the same back at a stipulated price, is hereby defined and declared to be a pawnbroker. [R. O. 1897, Chap. 56, Sec. 2].

SEC. 945. **Application for license.**—Every application for such license shall be made in writing, and shall state where the business is to be carried on and be endorsed by a police commissioner or the chief of police to the effect that the applicant is a person of good moral character. [R. O. 1897, Chap. 56, Sec. 3].

SEC. 946. **Pawnbroker to keep books—daily report.**—Every person so licensed as aforesaid shall keep at his place of business a substantial, well bound book, in which he shall enter, in writing, a minute description of all personal property, bonds, notes or other securities received on deposit or purchase, as aforesaid, the time when they were so received, and particularly mentioning

any prominent or descriptive marks that may be on such property, bonds, notes or other securities, together with the name, residence and detailed description of the person or persons by whom they were left, the amount of purchase money, the amount loaned, the interest charged, and the time when the loan falls due; which said book shall be kept clean and legible, and no entry therein shall be defaced, erased or obliterated, and all the entries therein shall be made with ink. He shall give to the person leaving the property in pawn a plainly written or printed ticket or receipt showing the transaction. The chief of police shall, upon the request of any pawnbroker, furnish the blanks necessary for making daily reports, and it shall be the duty of every such pawnbroker to make out and deliver to the chief of police every day, before the hour of 12 m., a legible and correct copy, from said book, of all personal property or other valuable things received or deposited or purchased during the preceding day, together with the time received or purchased, and a description of the person or persons by whom left in pledge, or from whom the same were purchased: Provided, that no person shall be required to furnish such description of any property purchased from manufacturers or wholesale dealers having an established place of business, or any goods purchased at open sale from any bankrupt stock or from any other person doing business and having an established place of business in the city. But such goods must be accompanied by a bill of sale or other evidence of open and legitimate purchase, and must be shown to the mayor, any alderman or any member of the police department when demanded. No personal property received on deposit or purchased by such pawnbroker shall be sold or permitted to be redeemed from the place of business of such person for the space of twenty-four hours after the copy and statement herein required to be delivered to the chief of police shall have been delivered. The time between 12 o'clock on Saturday night and 12 o'clock Sunday night shall not be considered in the enforcement of this ordinance, nor shall any property be received as a pledge or purchase by any pawnbroker or dealer between these hours. Every such licensed person failing to comply with any of the provisions of this section shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not less than twenty-five nor more than one hundred dollars for each offense. [R. O. 1897, Chap. 56, Sec. 4].

SEC. 947. Books open to inspection.—Every person so licensed as a pawnbroker shall, during the ordinary hours of business, when requested by the mayor or any police officer of the city, submit and exhibit such book, in the next preceding section provided for, to the inspection of such mayor or any police officer, and shall also exhibit any goods, personal property, bonds, notes or other securities that may be so left with the licensed person, to the inspection of the mayor or police officer; and every such person who shall refuse to submit such books, goods, personal property, bonds, notes or other securities, as aforesaid, shall be deemed guilty of a misdemeanor, and, on conviction, shall be fined not less than fifty dollars. [R. O. 1897, Chap. 56, Sec. 5].

SEC. 948. Dealing with minor—not to receive pawns, when.—No person licensed as aforesaid shall take or receive in pawn or pledge, for money loaned, or shall take, receive or purchase, within the line of business of such pawnbroker, any article, property or thing of and from any minor or any article, property or thing of and from any person, the ownership of which article, property or thing is in or claimed by any minor, the said pawnbroker knowing such article, property or thing to be owned or claimed by such minor, nor from any person between the hours of eight o'clock p. m. and seven o'clock a. m. Any person violating any or either of the provisions of this section shall, on conviction, be fined in a sum not less than twenty dollars nor more than one hundred dollars. [R. O. 1897, Chap. 56, Sec. 6].

SEC. 949. Fees of pawnbroker.—It shall be unlawful for any pawnbroker to charge or receive more than two per cent per month for any loan made by him. [R. O. 1897, Chap. 56, Sec. 7].

SEC. 950. Time of redemption—failure to redeem.—In case the person obtaining the loan fails to pay the interest when due the pawnbroker shall not sell the article or articles so pawned as security with him for such loan till after the expiration of sixty days from the date of such failure; and the person so failing may at any time within the said sixty days redeem said article or articles: Provided, that he pay the full amount of principal and interest due, according to the terms of the contract, at the date of redeeming; but if the person obtaining the loan fails to redeem

said article or articles within the said sixty days, as above provided, he shall thereby forfeit all his right, title and interest in and to such articles to the pawnbroker, who shall thereby acquire and possess an absolute right in them, and to hold and dispose of them as his own property: Provided, further, that if the borrower shall lose his pawn ticket he shall not thereby forfeit his right to redeem, but may make affidavit of such loss, describing the property pawned, which affidavit shall take the place of said pawn ticket. [R. O. 1897, Chap. 56, Sec. 8].

SEC. 951. **Penalty.**—Any person violating any of the provisions of the next two preceding sections shall be deemed guilty of a misdemeanor, and, upon conviction, shall pay a fine of not less than fifty dollars nor more than one hundred dollars. [R. O. 1897, Chap. 56, Sec. 9].

CHAPTER XXXIX.

PLUMBING.

ARTICLE

I. Plumbing inspector—rules regulating plumbing.

ARTICLE

II. Board of examiners

ARTICLE I.

PLUMBING INSPECTOR—RULES REGULATING PLUMBING.

SECTION

- 952. Plumber must have permit.
- 953. Houses must connect with sewers.
- 954. Cesspools—how constructed.
- 955. Permit for house drains.
- 956. Plumbing and ventilation.
- 957. Construction of drains.
- 958. Extra heavy cast iron traps, when.
- 959. Drains to have brass connections.
- 960. Drain pipes to have uniform fall.
- 961. Privy not to connect with sewer.
- 962. Soil pipes, specifications for.
- 963. Waste pipes, specifications for.
- 964. Fixtures to have sealing traps.
- 965. Vent pipes through roof.
- 966. Two fixtures and one vent.
- 967. Steam exhaust and sewer.
- 968. Chimney flues are not ventilators.
- 969. Refrigerator drains.
- 970. Joints, how made.
- 971. Pipe to be varnished and secured.
- 972. Rain water leaders.
- 973. Overflow pipes and drains.
- 974. Water closets, how supplied.

SECTION

- 975. Unsanitary closet prohibited.
- 976. Special permit, when.
- 977. Connections with lead pipes.
- 978. Vent pipe to extend above fixtures.
- 979. Down draught air pipe prohibited.
- 980. Inspector to be notified.
- 981. Stone pipe to be removed, when.
- 982. Condemnation, consent of owner for.
- 983. Cesspool to be abandoned, when.
- 984. Discharge to pass but one fixture.
- 985. Placing urinals, specifications.
- 986. Application for permits, how made.
- 987. When inspector shall be notified.
- 988. Defective work to be ordered out.
- 989. Information for inspector.
- 990. Penalty for violation of ordinance.
- 991. Appointment of inspector.
- 992. Appeal from inspector's decision.
- 993. Fees for permits.

SEC. 952. **Plumber must have permit.**—Every plumber, before doing any work in any building (except in case of repairs, and repairs are defined to consist of leaks in drains, soil, waste and lead pipes, repairs on faucets, valves and water pipes), shall

file with the inspector of plumbing a statement showing the work to be performed, and no part of such work shall be executed until the inspector of plumbing has issued a permit authorizing the same to be done. [G. O. No. 687, Sec. 1].

SEC. 953. Houses must be connected with sewer or cesspool.—Every dwelling house, hotel, apartment house, tenement house, factory, store or other building in which plumbing arrangements are to be placed shall be connected with a city sewer, when such sewer is provided, and when such sewer is not provided shall be connected with a cesspool in a location approved by the inspector of plumbing. [G. O. No. 687, Sec. 2].

SEC. 954. Cesspool—how constructed.—Where cesspool is used it must be of brick laid in hydraulic cement and plastered inside with cement, so as to be water tight, and provided with an iron cover and fresh air inlet on top. [G. O. No. 687, Sec. 3].

SEC. 955. Permit for connecting house drains.—Any person or persons engaged in connecting house drains with sewer or cesspool shall obtain a permit from the inspector of plumbing before beginning work. [G. O. No. 687, Sec. 4].

SEC. 956. Plumbing and ventilation shall be separate.—The plumbing and ventilation in every building shall be separate and independent from the roof to outside foundation walls. Every flat, apartment house, hotel, factory, church, hall, opera house and stable shall be construed as one building: Provided, that private stables may be connected with house drains. [G. O. No. 687, Sec. 5].

SEC. 957. Construction of drains.—That portion of drains which is inside the walls and underneath the building and three (3) feet outside the area of foundation walls shall be constructed of good soil-pipe, and good, heavy fittings. G. O. No. 687, Sec. 6].

SEC. 958. Houses to have extra heavy cast iron trap, when.—Houses in which the pipe connecting with the sewer is four (4) inches or more in internal diameter shall be provided with an extra heavy cast iron trap, placed in an accessible position near

the exit of drain from building. Said trap shall be of the same size in internal diameter as house drain on which it is connected, and have a hand hold and fresh air inlet, fresh air inlet to extend to outside of wall and one foot above ground, and to be provided with a screen. [G. O. No. 696, Sec. 7].

SEC. 959. **Ends of drains to have brass clean-out connection.**—The ends of all drains or branch drains shall be provided with a brass clean-out connection of a size not less than two-inch in internal diameter and placed in an accessible position. [G. O. No. 687, Sec. 8].

SEC. 960. **Drain pipes shall have uniform fall.**—Drain and soil pipes shall have a uniform fall of not less than one-eighth of an inch per foot toward the sewer or cesspool; when such grade cannot be obtained a special permit may be obtained from the inspector of plumbing for a less fall per foot. [G. O. No. 687, Sec. 9].

SEC. 961. **Privy or cesspool not to connect with sewer.**—No privy or cesspool shall be connected with the sewer or house-drain. All drains shall be run as straight as practicable; changes in directions shall be made with proper fittings, and connections shall be made with Y's or sanitary T's. [G. O. No. 687, Sec. 10].

SEC. 962. **Soil pipes—specifications.**—Soil pipes receiving the discharge from one or more closets shall not be less than four inches in internal diameter, and continue of undiminished size to the highest roof of building, above and away from any opening or window and left open at top. [G. O. No. 687, Sec. 11].

SEC. 963. **Waste and vent pipes—specifications.**—No waste pipes shall be less than one and one-quarter inch for one fixture, and one and one-half inch for two fixtures. Lead and vent pipes shall not be of less weight than the grade known as extra light. All waste pipes two inches or less in diameter shall be of good, heavy cast iron or lead. In no case shall waste pipe from any other fixture connect to the house side or in the seal of the water closet trap; such connections shall be made so that the discharge of the waste shall not disturb the seal of the water closet trap. [G. O. No. 687, Sec. 12].

SEC. 964. **Fixtures to have independent sealing traps.**—Every sink, bath tub, basin, water closet, urinal, every set of wash trays, every set of tubs and every fixture having a waste pipe shall be provided with a separate and independent water sealing trap, placed as near the fixture as practicable. Drum traps shall be used for foot, seat and bath tubs, and shall not be less than four inches in diameter; traps shall be protected from syphonage and air pressure by a special air or vent pipe, and of a size not less than the waste pipe up to and including two inches; over two inches and not exceeding four inches not less than two-inch vent shall be used. Each pipe, before being connected with other vent pipes, to be provided with unions, so that it may be detached from trap, and wall where it enters vent. Vent pipes shall be run straight and as direct as practicable, and with a grade to avoid trapping or condensation; in all cases where vent pipes connect with soil pipes such connections shall not be less than one foot above the highest fixture. [G. O. No. 687, Sec. 13].

SEC. 965. **Vent pipes through roof.**—Vent pipes may be run separately from the roof, provided that before going through the roof they shall be increased to not less than two and one-half inch pipe where vent is two inches and four-inch pipe where vent is three inches. [G. O. No. 687, Sec. 14].

SEC. 966. **Two fixtures connecting with one vent.**—Where two fixtures connect with one vent such connections shall be not less than one and one-half inch pipe, and for three fixtures not less than two-inch pipe; for water closet not less than two-inch pipe for each forty foot of pipe or less and one additional inch for each additional forty foot of pipe or fraction thereof, and one additional inch for each additional forty foot of pipe or fraction thereof: Provided, that vent pipe for three or more fixtures with waste pipe three or four inches in diameter shall not be less than three inches for twenty feet of pipe or less; over twenty feet of pipe, four inches vent pipes shall be constructed of cast iron soil pipe, galvanized wrought iron pipe or lead pipe. [G. O. No. 687, Sec. 15].

SEC. 967. **Steam exhaust not to connect with sewer.**—No steam exhaust, blow-off, or drip shall be connected with sewer or any drain, soil pipe, waste pipe, vent pipe, or rain water pipe, but

must discharge into an open tank or condenser, from which a safe connection with the sewer or house may be provided. [G. O. No. 687, Sec. 16].

SEC. 968. **Chimney flues not to be used for ventilators.**—Sewer, soil pipe, waste pipe, or ventilating pipe shall be constructed of good and proper material, and chimney flues shall not be used for such ventilators. [G. O. No. 687, Sec. 17].

SEC. 969. **Refrigerators not to connect with drain.**—No refrigerator or other receptacle in which provisions are stored shall be connected with the drain, waste, soil, vent pipe or discharge upon the ground beneath the building, but in every case there shall be an open, trapped tray beneath the refrigerator, the waste of which must discharge into an open sink or other fixture. [G. O. No. 687, Sec. 18].

SEC. 970. **Joints—how made.**—All joints in cast iron pipes shall be packed with picked oakum, and run with molten lead, well caulked. Connections of lead pipes with those of iron pipes or fittings shall be made with brass or combination ferrules, or brass solder nipples and solder unions, and of a size not less than the lead pipe, with properly wiped soldered joints, and caulked or screwed to the iron pipe. [G. O. No. 687, Sec. 19].

SEC. 971. **Pipe and fittings to be varnished—how secured.**—Cast iron pipe and fittings shall be coated inside and outside with coal tar varnish, or any other coating equally as good. They shall be securely ironed to the walls, laid in trenches of uniform grade, or suspended from the floor timbers by strong iron hangers, to be approved by the inspector of plumbing. [G. O. No. 687, Sec. 20].

SEC. 972. **Rain water leaders—connections, etc.**—Rain water leaders, when within a building, shall be cast iron soil pipe. Connections of rain water pipes with soil and drain pipes shall be on the side of the lowest fixture. A soil or ventilation pipe above the highest fixture shall not be used as a rain water pipe: rain water pipe, when running from a low roof, or low eaves, shall have a trap before entering a drain or soil pipe. [G. O. No. 687, Sec. 21].

SEC. 973. **Overflow pipes not to connect with drains.**—In no case shall safe waste, drips or overflow pipes from tanks or cisterns connect with the drain, soil, waste, vent pipe or rain water leaders, but shall run to some place in open sight. [G. O. No. 687, Sec. 22].

SEC. 974. **Water closets to be supplied with water.**—Every water closet, or line of water closets, shall be supplied with water from a tank or cistern, and the flushing pipe shall not be less than one and one-fourth inches in diameter. [G. O. No. 687, Sec. 23].

SEC. 975. **Unsanitary water closet prohibited.**—No person shall place in any building a water closet that would be considered unsanitary by the plumbing inspector, and the majority of the board of health committee. [G. O. No. 687, Sec. 24].

SEC. 976. **Special permit, when.**—Where additional fixtures are required, or alterations are to be made, and it is not practicable to construct them in accordance with the provisions of this ordinance, a special permit may be issued by the inspector of plumbing. [G. O. No. 687, Sec. 25].

SEC. 977. **Connections with lead pipes.**—All connections with the lead pipes shall be made with wiped solder joints. [G. O. No. 687, Sec. 26].

SEC. 978. **Vent pipe to extend above highest fixture.**—Each vent pipe shall extend above the highest fixture it serves before connecting with other vent pipes. [G. O. No. 687, Sec. 27].

SEC. 979. **Down draught back air pipe prohibited.**—No down draught back air pipe shall be allowed on new work. [G. O. No. 687, Sec. 28].

SEC. 980. **Inspector to be notified when work is ready for inspection.**—The inspector shall be notified when work is ready for inspection and test, and all work shall be left uncovered for examination. The whole system of drain, soil, waste and ventilation pipes shall be filled with water, or subjected to an air pressure of not less than five pounds to the square inch, and in all cases where only a part of the system has been tested at one time

the inspector shall request an additional test of the whole system, and it shall be absolutely tight. And after all the fixtures have been placed in position and the work completed a final test equal to the pressure of one inch of water shall be applied, and if found to be tight and in accordance with this ordinance the inspector shall so certify on the face of the permit, and no plumbing shall be used until such certificate is made by the inspector. [G. O. No. 687, Sec. 29].

SEC. 981. Stone pipe to be removed, when—Stone pipe, when found in any building, and not in a sanitary condition, must be removed, and cast iron pipe substituted. [G. O. No. 687, Sec. 30].

SEC. 982. Condemnation, property owner to give consent.—No plumbing now in any dwelling house, hotel, apartment house, tenement house, factory, store or any other building if condemned by the plumbing inspector shall be taken out without the consent of the owner thereof unless a majority of the board of health committee so direct. [G. O. No. 687, Sec. 31].

SEC. 983. Cesspool to be abandoned, when.—In case any cesspool is allowed because of inability to connect with a public sewer, then as soon thereafter as it becomes possible to make such sewer connection such cesspool shall be cleaned out, and filled with fresh earth and sewer connections made. [G. O. 687, Sec. 32].

SEC. 984. Discharge not to pass more than one fixture.—The discharge from any fixture shall not pass through more than one trap before reaching the house drain. [G. O. No. 687, Sec. 33].

SEC. 985. Placing Urinals, specifications for.—When urinals are placed in any building the floor and sides around the urinal shall be covered with non-corrosive, non-absorbing material, and the floor drains shall have combination of back water valve and trap. [G. O. No. 687, Sec. 34].

SEC. 986. Application for permits, how made.—All applications for permits provided for in section 952 shall be signed by the

plumbers or duly authorized agent of the plumber desiring to do such work, and shall state in plain terms the location and object of such permit. [G. O. No. 687, Sec. 35].

Sec. 987. When inspector shall be notified.—It shall be the duty of every plumber to notify the plumbing inspector when any job of plumbing is ready for inspection, as follows:

First, when the soil pipe shall be completed through the building and before any joint in such pipe or fittings shall be covered, and at such time all openings must be left for the proper connections of all fixtures.

Second, when the soil pipe shall be ready to be connected with the sewer outside of building wall.

Third, when all fixtures have been attached and the water turned on to test the same. [G. O. No. 687, Sec. 36].

Sec. 988. Defective work to be ordered out.—Whenever the plumbing inspector finds defects in any plumbing or drainage work being done in violation of the requirements of this or any ordinance of the city he shall order the same taken out or corrected and made to conform thereto. [G. O. No. 687, Sec. 37].

Sec. 989. Information to be supplied the inspector.—When work is ready for final inspection it shall be the duty of the plumber doing the same to furnish to the plumbing inspector (except the prices thereof), showing the kind of work and material to be used. If upon such final examination and test the plumbing inspector finds that the work has been done according to ordinance and the contract and specifications he shall furnish the plumber doing the same a certificate to that effect without expense. [G. O. No. 687, Sec. 38].

Sec. 990. Penalty for violation of ordinance or orders.—Any person who shall violate any provision or requirement of this ordinance, or any lawful order of the plumbing inspector in relation thereto, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than five or not more than fifty dollars for each offense. [G. O. No. 687, Sec. 39].

SEC. 991. **Plumbing inspector, appointment of.**—There shall be appointed by the mayor, by and with the consent of the common council, a plumbing inspector, who shall be a practical plumber, of at least six years' experience, who shall have supervision of all plumbing and house drainage done within the city of St. Joseph, Mo., as defined herein. The term of the officer appointed hereunder, shall be for two years. Said officer shall serve until his successor is appointed unless removed for cause. His salary shall be \$1,200 per year, payable monthly. The said plumbing inspector shall give bond to the city in the penal sum of \$2,000 for the faithful performance of his duties, and shall make monthly reports to the city comptroller, showing the number of permits issued, for whom issued, and the amount received therefor, filing with the said reports a receipt from the city treasurer, countersigned by the auditor, of the amount of money turned into the city treasury, and all moneys received by him shall be paid monthly to the city treasurer. [G. O. 687, Sec. 40].

SEC. 992. **Appeal from inspector's decision.**—An appeal from any decision of the plumbing inspector may be had to the board of health and the decision of a majority of the members thereof shall be final. [G. O. No. 687, Sec. 41].

SEC. 993. **Fees for permits.**—The charge for a permit under this ordinance shall be one dollar for all work done in any building of seven rooms or less and two dollars for all plumbing done in any building containing more than seven rooms, and no permit shall be issued until the party applying therefor shall have paid to the city treasurer the charge herein fixed and presented to the plumbing inspector the treasurer's receipt therefor. [G. O. No. 687, Sec. 42].

ARTICLE II.

BOARD OF EXAMINERS.

SECTION

- 994. Board of examiners, how appointed.
- 995. Plumbers must be examined.
- 996. Board of examiners, how organized.
- 997. Mayor shall appoint members.
- 998. Board shall issue licenses.
- 999. Secretary of board.

SECTION

- 1000. Revocation of licenses.
- 1001. Fees for examination.
- 1002. Penalty for violation.
- 1003. Ordinance to be printed.
- 1004. Meetings of board.

SEC. 994. **Board of examiners—how appointed.**—There is hereby created within and for the city of St. Joseph a board of examiners which shall be known as the board for the examination of plumbers. [G. O. No. 820, Sec. 1].

SEC. 995. **Plumber must be examined.**—Any person, firm or corporation desiring to engage or continue in the business of plumbing or drain-laying, either as a master plumber or as a journeyman plumber or as a plumbing inspector in the city of St. Joseph, shall first comply with the provisions of this ordinance. Every person desiring to engage in or work at the business or trade of plumbing except apprentices working with duly licensed plumbers, shall first be examined by and obtain from said board a certificate of his qualifications and fitness to carry on or work at the business or trade of plumbing. [G. O. No. 820, Sec. 2].

SEC. 996. **Board of examiners—how organized.**—Said board shall be composed of the following persons: First the plumbing inspector of said city, who shall be chairman ex-officio, and who shall serve on said board without pay.

Second, one master or employing plumber and one journeyman plumber, each of whom are residents of and shall have resided in the city of St. Joseph for at least three years next before their appointment, and who shall have been actively engaged at the business or trade of plumbing for not less than five (5) years; which two members shall be appointed by the mayor and shall

hold their respective offices at his pleasure, and whose compensation shall be \$1000.00 per year, to be paid out of the general revenue fund in monthly installments as the salary of other officers are paid: Provided, the fees collected and turned into the treasury under section 1001 of this ordinance shall equal the amount of such salaries; otherwise said salaries shall not exceed the total fees so paid into the treasury. [G. O. No. 820, Sec. 3].

SEC. 997. Mayor shall appoint members.—It shall be the duty of the mayor within thirty (30) days after the provisions of this ordinance shall take effect to make the appointments herein provided for, and to call a meeting of said board within ten (10) days thereafter for the purpose of organizing said board, and to have the provisions of this ordinance enforced. [G. O. No. 820, Sec. 4].

SEC. 998. Board shall issue licenses.—It shall be the duty of the members of said board, when notified by the mayor, to meet and organize, adopt rules to carry into effect the provisions of this ordinance and designate the times and places of meeting for the examination of applicants as to their practical and mechanical knowledge of plumbing, house drainage and plumbing ventilation; and upon satisfactory proof of the qualifications and fitness of the applicant shall issue a license to such applicant authorizing him to engage in or work at the business or trade of plumbing or drain laying as a master or employing plumber or as a journeyman plumber. [G. O. No. 820, Sec. 5].

SEC. 999. Secretary of board.—The board shall elect one of its members secretary, whose duty it shall be to keep a record of the business transacted by the board and account for all moneys collected by him, and shall be required to execute a bond to the city of St. Joseph in the sum of one thousand dollars (\$1000.00) to be approved by the mayor. [G. O. No. 820, Sec. 6].

SEC. 1000. Revocation of license.—The board shall have power to revoke any license issued by it upon satisfactory proof that the holder of said license has violated any ordinance of said city relating to the business or trade of plumbing or for violation of any rule of said board, and if any such license shall be revoked the same shall not be re-issued within six (6) months thereafter.

If any person, firm or corporation be charged with violation of any of the provisions of this ordinance it shall be the duty of the secretary of the board to serve a copy of said charges in writing on the person, firm or corporation so charged and notify him to appear on a day certain before said board and show cause why his license should not be revoked. [G. O. No. 820, Sec. 7].

SEC. 1001. **Fees for examination.**—The examination fee for a master or employing plumber shall be two dollars (\$2.00). The fee for a journeyman plumber shall be two dollars (\$2.00) which fee shall be paid to the secretary of said board when the applicant files his application for examination. All fees so paid to the secretary shall be paid by him to the city treasurer. Each license so issued by the board shall be renewed annually upon the payment to the secretary of the board renewing the same a fee of one dollar (\$1.00), and the same may be renewed by any board created under this ordinance. [G. O. No. 820, Sec. 8].

SEC. 1002. **Penalty for violation.**—Any person, firm or corporation, or the agent or officer of any such person, firm or corporation who shall violate or permit to be violated any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not to exceed one hundred dollars (\$100.00) for each and every such offense. [G. O. No. 620, Sec. 9].

SEC. 1003. **Ordinance to be printed.**—The city comptroller shall immediately after the passage of this ordinance procure five hundred copies hereof to be printed for gratuitous distribution among masters and journeymen plumbers, the expense of such printing to be paid out of the contingent and incidental fund [G. O. No. 820, Sec. 10].

SEC. 1004. **Regular meeting of board.**—Said board shall convene for business on the first and third Tuesdays in each month, but the plumbing inspector may call special sessions of said board whenever deemed necessary. [G. O. No. 820, Sec. 11].

CHAPTER XL.

POLICE COURT.

ARTICLE

- I. Police court.
- II. Secretary of police court.

ARTICLE

- III. Contempt.

ARTICLE I.

POLICE COURT.

SECTION

- 1005. Statement to be filed with police judge, form of.
- 1006. Police officers to inform city attorney, etc.
- 1007. Summons or warrant to be issued.
- 1008. Warrant unnecessary, when.
- 1009. Summary hearing of cause.
- 1010. Accused may give bond for appearance.
- 1011. Forfeiture of bond adjudged.
- 1012. Forfeiture may be set aside.
- 1013. Prisoner to be committed to police station or workhouse.
- 1014. Judgment by default.
- 1015. Judgment by default may be set aside.
- 1016. Defective statement may be amended.
- 1017. Dilatory motions to be disposed of, when.
- 1018. Adjournment by police judge.
- 1019. Judgment against informant for costs.
- 1020. Notices to be served on city attorney.
- 1021. City attorney may make affidavits.

SECTION

- 1022. City attorney may appeal.
- 1023. Execution to be issued; form of.
- 1024. In default of property, defendant to be committed.
- 1025. Officers must attend as witnesses.
- 1026. Depositions may be read.
- 1027. Fees of witnesses and interpreter.
- 1028. Attachments for witnesses.
- 1029. Witness attached may give bond.
- 1030. In default of bond, to be committed.
- 1031. Delinquent witness may be fined.
- 1032. Witness may be recognized.
- 1033. Limitation of prosecutions, etc.
- 1034. Practice before justice of the peace applicable.
- 1035. Police judge may appoint attorney.
- 1036. Chief of police to keep record of witnesses.
- 1037. Fines, etc., to be paid into city treasury.

SEC. 1005. **Statement to be filed with police judge, form of.**
 —All fines and penalties for violation of any ordinance of the city of St. Joseph shall be recoverable by suit, in the nature of an action of debt, before the judge of the police court; and no suit shall be commenced or judgment rendered in any case until a

statement shall be filed with the judge of the police court, signed by the city attorney or the person acting in his stead; which statement shall be in form substantially as follows:

The City of St. Joseph, Plaintiff,

versus

.....Defendant.

Before.....the judge of the police court of the city of St. Joseph.

Plaintiff complains of defendant, John Smith, and for cause of action alleges that said defendant, on the.....day of.....A. D. 18.... did violate an ordinance of said city, by (here insert the particulars) to the damage of plaintiff in the sum of.....dollars

A. B., City Attorney.

Such statement may be founded either upon the personal knowledge of the city attorney, the official report made to him in writing by some officer or policeman of the city, the affidavit of some qualified person charging another with violation of some ordinance, or the voluntary appearance of a person guilty of such violation. [R. O. 1897, Chap. 59, Art. 1, Sec. 1].

SEC. 1006. Police officers to inform city attorney, etc.—It shall be the duty of each and every police officer of the city of St. Joseph to inform the city attorney, as soon as practicable, of all violations of the ordinances of said city. Whenever any such violation shall come to his knowledge such information shall be filed in writing, signed by the officer making the same, and shall be accompanied with the names of witnesses to such violation, and if the officer making the report shall have good reason to believe that the person reported has no fixed place of residence, or is a non-resident, or is about to leave the limits of the city, such report or information shall be made upon oath or affirmation; thereupon it shall be the duty of the city attorney whenever, in his opinion, an action can be maintained against the person or persons so complained of, to institute proceedings before the judge of the police court by filing such report as provided for in section 1005 of this ordinance. [R. O. 1897, Chap. 59, Art. 1, Sec. 2.]

SEC. 1007. Summons or warrant to be issued.—Upon the statement being filed by the city attorney, or the person acting in his stead, the judge of the police court shall issue a summons

returnable forthwith; and in all cases where such statement is based upon or accompanied with, a complaint, or information on oath, the judge of the police court shall issue a warrant for the apprehension of the person or persons charged with the commission of an offense against the ordinance of the city. [R. O. 1897, Chap. 59, Art. 1, Sec. 3].

SEC. 1008. **Warrant unnecessary, when.**—No warrant shall be issued against a person who shall have been lawfully arrested and brought before the judge of the police court without a warrant, but in every such case a trial shall be had upon the statement of the city attorney, or the person acting in his stead, based upon a written report made to him by the officer who made the arrest, or the chief of police or deputy chief of police or keeper of the city workhouse, and in such cases no affidavit shall be required. [R. O. 1897, Chap. 59, Art. 1, Sec. 4].

SEC. 1009. **Summary hearing of cause.**—In all trials for violation of ordinances of the city the cause shall be heard and determined in a summary manner unless for good cause shown the judge of the police court shall postpone the same. [R. O. 1897, Chap. 59, Art. 1, Sec. 5].

SEC. 1010. **Accused may give bond for appearance.**—A person arrested for a violation of any ordinance may be held to bail by executing a bond to the city, with sufficient security, to be approved by the judge of the police court or chief of police, or such police officer as may be designated by said chief of police, in double the amount of the highest penalty provided by ordinance for the violation alleged, conditioned that the prisoner will appear upon the day named therein before the judge of the police court, to answer for the violation of which said prisoner is accused, and there to await trial of the charge pending or to be preferred against said prisoner. [R. O. 1897, Chap. 59, Art. 1, Sec. 6].

SEC. 1011. **Forfeiture of bond adjudged.**—Such bond, when approved, shall be filed with the secretary of the police court, and if the principal therein shall fail to appear, according to the conditions of his said bond, or having appeared, shall depart

the court without leave, the judge of the police court shall adjudge such bond to be forfeited, and render judgment against the principal and sureties therein for the amount of the penalty in said bond mentioned, together with costs, and shall issue execution therefor. [R. O. 1897, Chap. 59, Art. 1, Sec. 7].

SEC. 1012. **Forfeiture may be set aside.**—If the principal in any bond which shall have been forfeited and judgment rendered thereon, as provided in the preceding section, shall personally appear before the judge of the police court within five days after the rendition of such judgment, and make his application, supported by affidavit, showing good cause therefor, the judge of the police court may, on the payment of all accrued costs, set such judgment aside. [R. O. 1897, Chap. 59, Art. 1, Sec. 8].

SEC. 1013. **Prisoner to be committed to police station or workhouse.**—Persons in custody who cannot be tried because of the absence of witnesses, or other cause, shall, in default of bail for appearance, be committed to the police station or the workhouse until a trial be had. In such cases the judge of the police court shall deliver to the chief of police a commitment, stating therein the cause of detention. [R. O. 1897, Chap. 59, Art. 1, Sec. 9].

SEC. 1014. **Judgment by default.**—When a defendant duly summoned fails to appear at the time the suit is set for trial the judge of the police court shall hear and examine the testimony offered on the part of the city, and shall render judgment by default for such amount, under the ordinances, as he may deem justice to require, together with all the costs accrued therein. [R. O. 1897, Chap. 59, Art. 1, Sec. 10].

SEC. 1015. **Judgment by default may be set aside.**—Judgment by default rendered under the preceding section may be set aside by the judge of the police court, and a new trial granted within ten days of the rendition thereof: Provided, the defendant shall personally appear and make application, supported by affidavit, showing good cause therefor, and pay all accrued costs. [R. O. 1897, Chap. 59, Art. 1, Sec. 11].

SEC. 1016. Defective statement may be amended.—No suit shall be dismissed on account of any defect or imperfection in the statement or report, but such statement or report may be amended at any time before judgment is rendered. [R. O. 1897, Chap. 59, Art. 1, Sec. 12].

SEC. 1017. Dilatory motions to be disposed of, when.—All motions in relation to matters which do not necessarily arise during the progress of a trial, and all special and dilatory pleas must be made in writing, and argued when the case is called up for trial, and at no other time. [R. O. 1897, Chap. 59, Art. 1, Sec. 13].

SEC. 1018. Adjournment by police judge.—The judge of the police court may, for good cause shown, adjourn any case pending before him to another specified day, and if in such case the defendant is under arrest, he may be discharged on his executing a bond to the city of St. Joseph, with sufficient security, to be approved by the judge of the police court in double the amount of the highest penalty for the offense with which he is charged, conditioned for his appearance before the judge of the police court on the day fixed for his trial to answer the charge pending against him, and not depart the court without leave, which bond shall be filed and may be forfeited in the manner prescribed in section 1011 of this ordinance. [R. O. 1897, Chap. 59, Art. 1, Sec. 14].

SEC. 1019. Judgment against informant for costs.—When upon trial of any person charged with a violation of any ordinance of this city, the judge of the police court shall be satisfied from the evidence that the information upon which such violation is based was made vexatiously, maliciously and without probable cause, he shall acquit the defendant and render judgment against the informant for all the costs of the proceedings had therein; and such judgment shall have like effect and may be enforced in the same manner as if judgment had been rendered against such informant for violation of an ordinance. [R. O. 1897, Chap. 59, Art. 1, Sec. 15].

SEC. 1020. Notices to be served on city attorney.—All process and notices which it may be necessary in any suit before the judge of the police court, to serve on the city, shall be served on the city attorney, or the person acting in his stead. [R. O. 1897, Chap. 59, Art. 1, Sec. 16].

SEC. 1021. City attorney may make affidavits.—When any affidavit on the part of the city shall be required in any cause which has originated in the police court it shall be made by the city attorney or by some officer or person to whom the facts are known. No affidavit shall be required of the city attorney in support of an application for a continuance, but his official statement of the facts relied upon shall be taken as true. [R. O. 1897, Chap. 59, Art. 1, Sec. 17].

SEC. 1022. City attorney may appeal.—The city attorney or person prosecuting in his stead may, if in his judgment, the interests of the city require it, take an appeal on behalf of the city, from any judgment of the judge of the police court. [R. O. 1897, Chap. 59, Art. 1, Sec. 18].

SEC. 1023. Execution to be issued, form of.—Upon the rendition of a judgment against a defendant, which shall be for the fine assessed and all costs accrued in the case, the judge of the police court shall issue an execution in the following form as near as he may be:

The State of Missouri—To the Chief of Police of the City of St. Joseph,
Greeting:

Whereas, the city of St. Joseph hath this day obtained a judgment before undersigned judge of the police court of the city of St. Joseph, against.....for a violation of an ordinance of said city for the sum of.....dollars, together with the costs on this behalf: These are, therefore, to command you to levy said debt and costs of the property of said.....within the city of St. Joseph and expose the same to sale agreeably to law; and for want of sufficient property whereon to levy the said debt and costs, you are hereby commanded to take the body of saidinto your custody and convey him to the workhouse of the city of St. Joseph: the keeper thereof is hereby commanded to receive him, and him safely keep until the said debt shall have been paid by his labor according to the laws of the state of Missouri, and the ordinances of the city of St. Joseph, or until he shall otherwise be discharged by due course of law; and you are also commanded to make return of this execution within thirty days from the date thereof, with your return thereon, stating how you have executed the same. Given under my hand, at the police court, in the city of St. Joseph this.....day of.....A. D. 18....
..... Judge of the police court.

[R. O. 1897, Chap. 59, Art. I, Sec. 19].

SEC. 1024. In default of property, defendant to be committed.—If sufficient property of the defendant be not found to sat-

isfy the execution and costs the chief of police shall take the body of the defendant into custody, and convey in a covered conveyance, said defendant without delay, to the city workhouse, and deliver him to the superintendent or keeper thereof, taking his receipt therefor to be endorsed upon said execution. [R. O. 1897, Chap. 59, Art. 1, Sec. 20].

SEC. 1025. Officers must attend as witnesses.—Officers shall attend as witnesses against persons whom they have arrested without being summoned, nor shall the judge of the police court issue any subpoena for them; but if they fail to appear at the time of trial they may be attached and punished as witnesses summoned for contempt. [R. O. 1897, Chap. 59, Art. 1, Sec. 21].

SEC. 1026. Depositions may be read.—Depositions taken in conformity to the laws of this state may be read before the judge of the police court on any trial where the witness is dead, or by reason of sickness, old age or bodily infirmity, or absence from the city without collusion of the party offering the deposition, or is unable to or cannot safely attend the trial, or when both parties agree in any case to the reading thereof. [R. O. 1897, Chap. 59, Art. 1, Sec. 22].

SEC. 1027. Fees of witnesses and interpreter.—Witnesses duly summoned in any suit before the judge of the police court and attending at the trial shall be entitled to fifty cents for each day's attendance; but such fees shall be taxed and collected only when demanded or claimed by the witness at the time of the trial; and no witness shall be allowed more than one fee for any one day's attendance, nor shall any witness fee be taxed in any case in favor of any member of the police force. Any person sworn as an interpreter in any case shall be entitled to one dollar for each day's attendance in such case. [R. O. 1897, Chap. 59, Art. 1, Sec. 23].

SEC. 1028. Attachment for witnesses.—The judge of the police court may issue attachment to compel the attendance of witnesses who shall have been duly summoned, which attachment may be in the following form:

The State of Missouri—To the Chief of Police of the City of St. Joseph,
Greeting:

.....having been duly summoned as a witness in

a case pending before the judge of the police court, and failed to attend, you are commanded to take his body and him, safely to keep, so that you have him before the said judge of the police court at his office in said city on the.....day of.....A. D. 18...., to answer for such contempt and give testimony as specified in said summons.

[R. O. 1897, Chap. 59, Art. 1, Sec. 24].

SEC. 1029. Witness attached may give bond.—When such attachment shall have been executed by the arrest of the person against whom the same shall have been issued the chief of police may discharge such person on his entering into a bond to the city of St. Joseph, with sufficient security, to be approved by the chief of police, in the sum of one hundred dollars, conditioned for the appearance and due attendance of such person to answer such attachment on the day therein specified, which bond shall be filed with the judge of the police court: and upon the failure of such person to attend in accordance with the conditions of such bond the same may be forfeited in the same manner and with like effect as provided in section 1011 of this ordinance. [R. O. 1897, Chap. 59, Art. 1, Sec. 25].

SEC. 1030. In default of bond, to be committed.—When a person against whom an attachment shall have been issued shall be under arrest, and shall fail to give bond for his appearance, as provided in the preceding section, he shall be committed to the police station or city workhouse and there safely kept until the time fixed for answering such attachment; and such attachment shall be sufficient warrant and authority to the chief of police for such committal and detention. [R. O. 1897, Chap. 59, Art. 1, Sec. 26].

SEC. 1031. Delinquent witness may be fined.—On the appearance of a party in answer to an attachment the judge of the police court, unless good cause be shown for non-attendance in obedience to the command of the summons with which he shall have been served, shall assess against such person a fine not exceeding fifty dollars, and the judgment rendered thereon shall have the same effect, and may be enforced in the same manner as if rendered against such person for a violation of city ordinances. [R. O. 1897, Chap. 59, Art. 1, Sec. 27].

SEC. 1032. Witness may be recognized.—When any cause is adjourned by the judge of the police court the witnesses in at-

tendance may be recognized in the sum of fifty dollars each, in the manner prescribed by the criminal law of the state. Such recognizance shall be filed by the secretary of the police court, and may be forfeited in the manner prescribed in section 1011 of this ordinance. [R. O. 1897, Chap. 59, Art. 1, Sec. 28].

SEC. 1033. **Limitation of prosecutions.**—No prosecution for violation of any city ordinance shall be commenced after the lapse of twelve months after the date of such violation: Provided, that if any person charged with such violation shall conceal or absent himself so that a process cannot be served upon him, or shall absent himself from the city for the purpose of avoiding such prosecution, the time of such absence or concealment shall not be computed. [R. O. 1897, Chap. 59, Art. 1, Sec. 29].

SEC. 1034. **Practice before justice of the peace applicable.**—The judge of the police court on all matters pertaining to practice in the police court concerning which there are no specific provisions by ordinance shall be governed by the laws of the state of Missouri regulating proceedings in justices' courts in civil cases, and the duties of the justices of the peace, so far as the same may be applicable. [R. O. 1897, Chap. 59, Art. 1, Sec. 30].

SEC. 1035. **Police judge may appoint attorney.**—In the absence of the city attorney or other person prosecuting in his stead, when any case is about to be tried, the judge of the police court may appoint some competent attorney to prosecute on behalf of the city, who shall, during the time he is so acting, possess all the powers vested in the city attorney. [R. O. 1897, Chap. 59, Art. 1, Sec. 31].

SEC. 1036. **Chief of police to keep record of witnesses.**—The chief of police shall enter in a suitable book the names of all witnesses on whose account he shall have received fees, and shall pay the same over to the person entitled thereto, if called for within six months, otherwise the same shall be paid by him into the city treasury. [R. O. 1897, Chap. 59, Art. 1, Sec. 32].

SEC. 1037. **Fines, etc., to be paid into city treasury.**—The proceeds of all fines and forfeitures accruing to the city of St. Joseph for violation of city ordinances shall be paid into the city treasury. [R. O. 1897, Chap. 59, Art. 1, Sec. 33].

ARTICLE II.

SECRETARY OF POLICE COURT.

SECTION

1038. Office created, appointment,
etc.

1039. General duties of.

SECTION

1040. May administer oaths, etc.

1041. Shall examine cost bills.

SEC. 1038. **Office created—appointment, etc.**—There is hereby created the office of secretary of the police court. The board of police commissioners are hereby authorized to appoint the secretary of the board of police commissioners to act ex officio secretary of the police court and perform the duties of such office. The secretary of the board of police commissioners shall receive no compensation for his services as ex officio secretary of the police court. [R. O. 1897, Chap. 59, Art 2, Sec. 1].

SEC. 1039. **General duties of.**—It shall be the duty of said secretary of the police court to attend at each session of the police court; to have the care and custody of all books, records and dockets of the court; to keep a true record of all proceedings which may be had in the police court; to file and preserve all papers which pertain to any suit or other proceedings had therein, and whenever an appeal is taken from the judgment rendered in said court he shall at once prepare a transcript of his record and submit the same to the judge of said court for his signature, and when the same is duly signed by the judge of the police court he shall file such transcript, together with all the original papers in such case, with the clerk of the criminal court within the time prescribed by law for filing transcripts by justices of the peace in civil cases; and shall keep a record provided for that purpose, in which he shall enter the names of all persons tried before the judge of the police court, the date of trial, the number of the case, the violation or offense charged, and the judgment rendered. [R. O. 1897, Chap. 59, Art. 2, Sec. 2].

SEC. 1040. **Power to administer oaths, etc.**—The secretary of the police court shall have power to administer oaths. IIe

shall, so far as is consistent with the duties of his office, assist the city attorney in receiving complaints and making out the necessary papers therefor. [R. O. 1897, Chap. 59, Art. 2, Sec. 3].

SEC. 1041. **Shall examine cost bills.**—Whenever any person shall be fined by the judge of the police court for violation of any ordinance of the city and shall not pay the costs assessed against him, it shall be the duty of the secretary of the police court to examine the items of costs in the execution issued by him, and if such items are correct to certify the same as being correct; and if any of said items of costs are not correct they shall be corrected as near as may be, and certified as above directed. No costs shall be allowed and paid in any case until said certificate shall have been endorsed upon the execution as herein required. [R. O. 1897, Chap. 59, Art. 2, Sec. 4].

ARTICLE III.

CONTEMPT.

SECTION

1042. What conduct constitutes contempt.

1043. How punished.

SECTION

1044. When committed in view of the judge of the police court.

1045. Particulars to be stated.

SEC. 1042. **What conduct constitutes contempt.**—The judge of the police court shall have power to punish persons guilty of any of the following acts:

First. Disorderly, contemptuous or insolent behavior committed during the sitting of the police court, in immediate view and presence, and directly tending to interrupt its proceedings or to impair the respect due to its authority.

Second. The contumacious and unlawful refusal of any person to be sworn as a witness, or when so sworn the like refusal to answer any legal and proper interrogatory.

Third. Any breach of the peace, noise or other disobedience directly tending to interrupt the proceedings of the court.

Fourth. Willful disobedience of any process or order lawfully issued or made by the judge of the police court.

Fifth. Resistance willfully offered by any person to the lawful order or process of the judge of the police court. [R. O. 1897, Chap. 59, Art. 3, Sec. 1].

SEC. 1043. **How punished.**—Punishment for contemptuous acts mentioned in the next preceding section may be by fine or imprisonment in the city workhouse, or both, in the discretion of the judge of the police court: but in no case shall the fine be less than three dollars nor more than twenty-five dollars, nor shall the imprisonment exceed ten days; and when any person shall be committed to the city workhouse for the non-payment of the fine and costs he shall not be committed for a longer period than thirty days. [R. O. 1897, Chap. 59, Art. 3, Sec. 2].

SEC. 1044. **When committed in view of the judge of the police court.**—Any contempt committed in the immediate view and presence of the judge of the police court shall be punished summarily; in other cases the party charged shall be arrested upon a warrant issued out of the police court and have a reasonable time to make his defense. [R. O. 1897, Chap. 59, Art. 3, Sec. 3].

SEC. 1045. **Particulars to be stated.**—Whenever any person shall be committed for any contemptuous conduct the particular circumstances of his offense shall be set forth in the order or warrant of commitment. [R. O. 1897, Chap. 59, Art. 3, Sec. 4].

CHAPTER XLI.

PRINTING—CITY PRINTING.

SECTION

1046. Comptroller to advertise for proposals.
1047. Contract to be let to the lowest bidder.
1048. Contract made, bond to be given.

SECTION

1049. Job printing to be let to lowest bidder.
1050. Copies of papers to be furnished city officers.
1051. City printing to bear union label.

SEC. 1046. **Comptroller to advertise for proposals.**—The city comptroller shall, ten days before the first meeting of the common council in each year, advertise for proposals for publishing in some newspaper published in the English language in the city of St. Joseph a correct abstract of the proceedings of the council, the substance of all petitions, memorials, remonstrances, motions, propositions, bills, resolutions and orders, so as to show their nature and import, and also a brief and accurate statement of all proceedings of the council in relation thereto, and the communications of the mayor and other city officers when the council shall so direct: also the ordinances and all advertisements on account of the city for one year. Such advertisement shall be inserted in the official paper of the city and continued for ten days. The bids for such printing shall be sealed bids, directed to the city comptroller: Provided, that the same matter shall not be twice published. [R. O. 1897, Chap. 60, Sec. 1].

SEC. 1047. **Contract to be let to the lowest bidder.**—The city comptroller shall open all the bids received by him, in the presence of the common council while in session, and the contract for doing said printing shall be awarded by them to the lowest and best bidder: and if all bids are rejected the comptroller shall again advertise for proposals. [R. O. 1897, Chap. 60, Sec. 2].

SEC. 1048. **Contract made, bond to be given.**—After said contract has been awarded the city comptroller shall enter into a written contract with the person or company to whom the same has been awarded, in accordance with the terms of his bid for

doing said printing, and shall also cause said party to execute a bond to the city in the sum of two thousand dollars, or any other sum fixed by the mayor and council, with sufficient security, for the faithful performance of the terms and conditions of said contract. [R. O. 1897, Chap. 60, Sec. 3].

SEC. 1049. **Job printing to be let to lowest bidder.**—It shall be the duty of the city comptroller, whenever any job printing is required by the city, or any of the city departments, such as blanks, blank books, bill or letter heads, contracts, bonds for licenses, receipts, assessment lists or job printing of any kind, to furnish a copy or statement of the work required to be done, to each job printing office in the city, and receive bids therefor, open the same and award the contract to the lowest and best bidder for such work. [R. O. 1897, Chap. 60, Sec. 4].

SEC. 1050. **Copies of papers to be furnished city officers.**—In all contracts for city printing it shall be stipulated that copies of the paper publishing the city printing shall be regularly left at the office of the mayor, city clerk, city comptroller, city engineer, city treasurer, city auditor and city assessor, as ordinarily distributed to regular subscribers. [R. O. 1897, Chap. 60, Sec. 5].

SEC. 1051. **City printing to bear union label.**—The printing used by the various officers and departments of the city government of the city of St. Joseph, so far as possible, is hereby required to be executed in this city; and all said printing, excepting the small office stationery shall bear the union label. [G. O. No. 566, Sec. 1].

CHAPTER XLII.

RAILWAYS—STEAM RAILWAYS.

SECTION

- 1052. Speed of locomotives, etc., limited.
- 1053. Detention at street crossings.
- 1054. Obstructions of streets and crossings.
- 1055. Headlights for locomotives required.
- 1056. Depositing lumber in street, etc.
- 1057. Ringing bells of locomotives.
- 1058. Erection of sign boards.
- 1059. Engineers and conductors to be furnished with copies of ordinance.
- 1060. Penalty for violation of ordinance.

SECTION

- 1061. Watchman to be stationed at crossing, etc.
- 1062. Drop bars to be placed at crossings, etc.
- 1063. Same; shall be provided, when.
- 1064. Same; penalty.
- 1065. Steam whistles regulated—sounding of.
- 1066. Railroads to maintain lights at crossings.
- 1067. Lights at railroad crossings—how erected.
- 1068. Order to erect lights to be complied with, when.

SEC. 1052. **Rate of speed.**—No locomotive engine, railroad passenger car or freight car shall be driven, propelled or run upon or along any railroad track within said city at a greater speed than the rate of five miles per hour. [R. O. 1897, Chap. 61, Sec. 1].

SEC. 1053. **Stopping at street crossings.**—No railroad company, railroad engineer, train conductor or other person shall cause or allow any locomotive engine, car or cars, or train of cars to stop in or remain upon any street and railroad crossing within said city for a longer period than five minutes at any one time. [R. O. 1897, Chap. 61, Sec. 2].

SEC. 1054. **Obstruction of street not allowed.**—Should any street and railroad crossing in said city be and remain occupied and obstructed in whole or in part by any train of railroad cars for and during the period of five minutes it shall be the duty of each and every railroad company upon whose line of road such obstruction may occur, their agents or employes, on or before the expiration of said five minutes, when from any cause the entire train cannot be propelled or removed to any one side of any street occupied and obstructed as aforesaid, to cause such cars as may

be on or near said crossing to be uncoupled, and some one division of the train, as thus made, removed from off the aforesaid street and railroad crossing, in such manner as to leave said street entirely free and unobstructed, and said train, when again coupled, shall be removed forthwith from off any such crossing as aforesaid. [R. O. 1897, Chap. 61, Sec. 3].

SEC. 1055. **Light on car or engine.**—Every locomotive engine, railroad car or train of cars running in the night time on any railroad track in said city shall have and keep, while so running, a brilliant and conspicuous light on the forward end of such locomotive engine, car or train of cars. [R. O. 1897, Chap. 61, Sec. 4].

SEC. 1056. **Lumber, etc., not to be deposited in street.**—No company, corporation or person shall be allowed to deposit or place in the street any lumber or other material, nor shall they load any car from the street with any material deposited there, nor erect or maintain any switch house or other building upon any street, highway or alley within the city limits. [R. O. 1897, Chap. 61, Sec. 5].

SEC. 1057. **Bell to be rung.**—The bell of each locomotive engine shall be rung continually while running within said city. [R. O. 1897, Chap. 62, Sec. 6].

SEC. 1058. **Sign board at entrance of city.**—Each railroad company running on any railroad within said city shall erect at the entrance of such railroad within the city a sign board having thereon the words "stop speed," "ring the bell," legibly painted thereon. [R. O. 1897, Chap. 61, Sec. 7].

SEC. 1059. **Copy of this chapter to be furnished engineer, etc.**—Each superintendent of any railroad shall furnish each engineer and train conductor of any railroad running within this city a certified or printed copy of this chapter; and shall, moreover, furnish to any officer of said city applying therefor, the name of any person in the employment of said railroad company who shall have been charged with having violated any of the provisions of this chapter. [R. O. 1897, Chap. 61, Sec. 8].

SEC. 1060. **Penalty for violating this ordinance.**—Any railroad company or railroad corporation who shall, by themselves, their agents, or employes, violate or fail to observe any of the foregoing provisions of this chapter, or any agent or employe of any railroad company, or railroad corporation, or other person who shall violate or fail to observe the same shall, for each violation or failure to observe the same, be subject to a fine of not less than ten dollars nor more than one hundred dollars. [R. O. 1897, Chap. 61, Sec. 9].

SEC. 1061. **Watchman to be stationed at crossing.**—Every railroad company, corporation or person owning or using any railway track in this city, upon which may be run locomotives and trains of cars, which may cross any of the public streets of said city, shall, at every such street crossing, whenever required so to do by the common council of said city, station a watchman or flagman, who shall notify and warn all persons traveling such street of the approach of locomotives or trains of cars to such crossing, and to guard against collisions between persons traveling the street and the machinery operated upon such railroad tracks. The common council shall require such watchman or flagman to be so stationed, by resolution duly passed, a certified copy of which shall be served upon the company, corporation or person owning or using such tracks to their agents or servants in charge thereof; and any such railroad company, corporation or person, or the agents or servants of the same failing, upon such request to comply with and observe the provisions of this section, shall be subject to the fine imposed by section 1060 of this chapter. [G. O. No. 904, Sec. 1].

SEC. 1062. **Drop bars to be placed at crossing, etc.**—Whenever the common council shall deem it necessary to require the precaution for the safety of travel on the public streets and avenues of said city where the same are crossed by any railway within the limits of the city of St. Joseph to have and maintain gates or drop bars on each side of such crossings, with a gate keeper or watchman to operate such gates or drop bars, it may, by resolution, declare that it is necessary to have and maintain gates or drop bars, with a gate keeper or watchman to operate such gates or drop bars at the crossing or crossings designated in such resolution, and therein request the railway company whose

duty is or may be to furnish and maintain such drop bars or gates with gate keepers or watchmen to operate such drop bars or gates: Provided, that automatic drop bars or gates of approved design, not requiring the attention of a watchman or gate keeper may be used, at the option of such railway company. It shall be the duty of the city clerk to at once notify such railway company by serving upon the officer or representative of such company a copy of such resolution. [G. O. No. 909, Sec. 1].

SEC. 1063. Same; shall be provided when—maintained jointly, when.—It shall be the duty of such railway company within thirty days after a copy of such resolution is served upon it or its officers or representatives in the city of St. Joseph, as provided in the preceding section, to place drop bars or gates with a gate keeper or watchman at the crossing or crossings designated in such resolution, and maintain them thereon until relieved therefrom by order of the common council: Provided, that in all cases where the lines of several railroad companies shall cross a street at the same place, then said companies shall be allowed to build and maintain one or more gates at their joint expense, the same to be under supervision of the city engineer. [G. O. No. 715, Sec. 2].

SEC. 1064. Same; penalty.—If any railroad company shall neglect or refuse to furnish, place and maintain drop bars or gates, with gate keeper or watchman to operate the same, at such railway crossing after notice and request, as hereinbefore provided, it shall, upon conviction in the proper court, for such neglect or refusal, be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars for each and every day of such neglect or refusal. [R. O. 1897, Chap. 61, Sec. 13].

SEC. 1065. Steam whistles—sounding of regulated.—The blowing or sounding of steam whistles on railroad locomotives within the city limits except in cases of immediate danger is hereby prohibited. Any violation by any railroad company of this ordinance shall be considered a misdemeanor, and subject to a fine of not less than twenty dollars nor more than fifty dollars. [R. O. 1897, Chap. 61, Sec. 14].

SEC. 1066. Railroads to maintain lights at crossings.—Every railroad company owning or operating a line or lines of railroad in or through said city shall erect and maintain suitable lights in all streets and alleys along, through or over which its tracks may run. Said lights shall be placed at such points along said tracks at such times as the common council may by ordinance direct. [G. O. No. 826, Sec. 1].

SEC. 1067. Lights at railroad crossings—how erected.—The lights provided for in the foregoing section shall be operated with electricity, and shall in no instance be of less than two thousand nominal candle power: shall be mounted on or hung from poles not less than twenty nor more than thirty feet high, and shall be suspended therefrom so as to overhang the center of the street or alley where same may be placed, and provided with reflectors so as to throw their light down into said streets or alleys, and shall cast no shadows therein: said poles shall be placed at such points as the common council or the board of public works may direct, and shall not obstruct nor interfere with the travel along or upon such streets or alleys. Said lights shall be kept burning every night from sunset until sunrise in the morning. [G. O. No. 826, Sec. 2].

SEC. 1068. Order to erect lights to be complied with when.—It shall be the duty of every such railroad company to erect and maintain said lights within thirty (30) days after being ordered to do so by the common council as provided herein, notice of which shall be given to such company by the city clerk immediately upon the approval of such ordinance. Should any such railroad company fail to cause lights to be erected within the time aforesaid it shall be deemed guilty of a misdemeanor and be fined in a sum not to exceed five hundred dollars (\$500.00). Each and every day such company shall fail to provide lights so required, after the expiration of said thirty (30) days' notice, shall be a separate and distinct violation of the terms hereof. [G. O. No. 826, Sec. 3].

CHAPTER XLIII.

RAILWAYS—STREET RAILWAYS.

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II. Reconstruction and paving of street railway tracks.

ARTICLE
III. Plank crossings for street railway tracks.

ARTICLE I.

GENERAL PROVISIONS FOR STREET RAILWAYS.

SECTION
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SEC. 1069. **Operators of street railways subject to this ordinance.**—Every person, corporation, company, or copartnership owning or operating any street railway, or engaged in the business of transporting passengers from any one point to any other point within this city for hire, on street railways, shall be subject to all the conditions, stipulations and requirements of this ordinance. [R. O. 1897, Chap. 62, Art. 1, Sec. 1].

SEC. 1070. **Shall keep track in proper condition.**—Every horse or street railroad company having its railway located in and along any street or streets within the city of St. Joseph shall

keep the track of its road in such condition that such track shall not at any time be elevated above the surface of the street on which it is laid, so that vehicles can easily and freely, at all times, cross said track at all points, in any direction, without obstruction, and shall also keep in good repair such portions of the street as it has agreed with the said city so to do, or as required by the ordinances of the city. And if any company shall fail or neglect to comply with the provisions of this section the board of public works shall cause notice to be served on the president or superintendent of such company, requiring the company to put its road and track in the condition required by this section within five days after the service of such notice, and if such company shall fail or neglect to comply with the requirements of such notice within the time prescribed such company shall forfeit and pay to the city of St. Joseph not less than twenty nor more than one hundred dollars for every day such neglect or failure shall continue after the expiration of said five days' notice, which may be recovered by suit before any court having jurisdiction of the amount sued for. [G. O. No. 903, Sec. 1].

Sec. 1071. **Rules and regulations for running cars.**—The following rules and regulations concerning the running of street railways shall be binding upon every person, corporation, company or copartnership operating any such railway in the city of St. Joseph:

First. No car, when not in actual use for passenger travel, shall be kept standing in any street or other public thoroughfare.

Second. Cars driven in the same direction shall not approach each other within a distance of three hundred feet, except in case of accident or when it may be necessary to connect two cars together, or at stations; and upon the approach of any car to a distance of fifty feet or less from any vehicle the conductor or driver of such car shall notify the driver or person in charge of said vehicle to vacate the track, and if, after a sufficient time has elapsed to enable the driver or person in charge of said vehicle aforesaid to comply with such notification, he fails to do so, it shall be the duty of the conductor of said car to forthwith ascertain the cause of such detention, and if the delay shall be the result of any accident to said vehicle or horses attached thereto,

the conductor aforesaid shall render such aid as may be necessary for the removal of the cause of such detention; but in no event shall this ordinance or any part thereof be so construed as to sanction or allow the wilful or wanton collision with any private vehicle on the track of any such railway lines; and any person, corporation, company or copartnership so offending shall be deemed guilty of a misdemeanor.

Third. No car shall be allowed to stop on a crosswalk nor in front of any intersecting street, except to avoid collision or to prevent danger to persons in the street. This section shall not be so construed as to prevent any car from stopping upon any switch that may be at the intersection of streets.

Fourth. When any car shall be required to stop at the intersection of streets to receive or leave passengers, it shall be stopped so as to leave the rear platform partly over the crossing.

Fifth. The conductor or driver of each car shall keep a vigilant watch for all vehicles and persons on foot, especially children, either on the track or moving towards it, and on the first appearance of danger to such persons or vehicles, the car shall be stopped in the shortest time and space possible.

Sixth. Conductors shall not allow ladies or children to leave or enter the cars while the same are in motion.

Seventh. Conductors shall announce to passengers the names of streets, or the place where the cars connect with or intersect any railway track.

Eighth. The cars after sunset shall be provided with signal lights.

Ninth. The cars shall be entitled to the track, and any vehicle upon the track shall turn out when any car comes up, so as to leave the track unobstructed; and the driver of any vehicle refusing to do so, when requested by the driver of any car, shall be deemed guilty of a misdemeanor; provided, that persons moving any article from or to any vehicle, shall be allowed a reasonable and sufficient time to load or unload the same. [G. O. 914, Sec. 1].

SEC. 1072. **Not to interfere with fire department.**—No privilege or authority hereby granted shall be so construed as in any manner to interfere with the operations of the fire department of the city: but in all instances in case of fire, the use of the streets where railroad tracks are laid shall be subservient to the necessities of the fire department. Vehicles driving in the direction of the cars upon any street railway shall be entitled to the track used by the cars running in that direction, but not so as to hinder or delay any car running thereon. [R. O. 1897, Chap. 62, Art. I, Sec. 4].

SEC. 1073. **Use of steam prohibited—cannot increase fare.**—Nothing contained in this ordinance shall be construed to authorize an increase of fare as now established, nor to allow the transportation of freight over street railroads, nor to allow the use of the ordinary dummy or box car engine, or of locomotives of the kind now used upon steam railroads in this state. [R. O. 1897, Chap. 62, Art. 1, Sec. 5].

SEC. 1074. **Cannot build tracks without permission.**—Every person, company or copartnership who shall change the location of any railway track, or shall build or attempt to build or construct any street railway or part thereof, in any street of this city without having first obtained the right of way or permission from the mayor and common council to do so, shall be guilty of a misdemeanor. [R. O. 1897, Chap. 62, Art. 1, Sec. 6].

SEC. 1075. **Penalty for violating preceding sections.**—Any person, corporation or copartnership, or the president, superintendent or manager thereof, violating or failing to comply with any of the foregoing provisions of this ordinance, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined, if no other or different punishment be prescribed therefor, not less than five dollars nor more than five hundred dollars. [R. O. 1897, Chap. 62, Art. 1, Sec. 7].

SEC. 1076. **Fenders required on cars—penalty.**—There shall be placed and maintained on every car used on any street railway, including trail cars or cars attached to motor or power cars, in this city, a fender, which shall be placed not more than five inches from the ground or surface of the track. Such fender

shall extend in front of the wheels of the car, and shall be so constructed as to afford the best possible protection to persons with whom such car might come in contact. Any person or corporation violating this section shall be fined not less than ten dollars nor more than fifty dollars. [R. O. 1897, Chap. 62, Art. 1, Sec. 8].

SEC. 1077. Rates of speed.—It shall be unlawful any company or corporation, or employe thereof, to run any street car within the territory bounded by Missouri river, Francis, Ninth and Messanie streets at a greater rate of speed than eight miles per hour, and outside of said limits at a greater rate of speed than ten miles per hour. Any company or corporation or any employe thereof violating any provision of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in a sum not less than ten dollars nor more than fifty dollars for each offense. [R. O. 1897, Chap. 62, Art. 1, Sec. 9].

SEC. 1078. Cars to be fitted with gong—to be sounded, when—penalty.—Every person or corporation owning or operating any street railway in this city, running cars, propelled by electricity or other power, shall cause every car or vehicle owned or operated by them to be fitted with a gong. It shall be the duty of such person or corporation to cause the gong on such car or vehicle to be struck or rung in quick succession on approaching any team, carriage or person, and upon approaching any street crossing within the city. Any driver, motorman or other person having charge of any such car or vehicle, and failing to strike such gong as herein provided, shall be fined for each such offense not less than five dollars nor more than fifty dollars. [R. O. 1897, Chap. 62, Art. 1, Sec. 10].

SEC. 1079. Car to stop at railroad crossing—gong to be sounded—penalty.—It shall be the duty of any driver, motorman or other person having charge of any street car, in this city, before crossing the track of any steam railroad with such car, to cause the same to come to a standstill at least ten feet from such track, and to strike or ring the gong of said car, and if no danger is imminent, the car so stopped may proceed to cross such track. Any person violating the provisions of this section shall be fined not less than five nor more than fifty dollars for each and every offense. [R. O. 1897, Chap. 62, Art. 1, Sec. 11].

SEC. 1080. **Each car to be numbered and licensed.**—Every person, copartnership, association, corporation or company, operating any street railway, or engaged in the business of transporting passengers from one point to another within the city of St. Joseph, for hire, on any street railway, shall pay to the city, in advance, an annual license fee of fifteen dollars for each and every car generally used by them transporting passengers for hire, within the city, or to or from any place within the city. Each car shall be numbered and have its number painted in a conspicuous place on the car, and on the payment of the license required herein the city auditor shall issue for each and every car so licensed a metallic plate inscribed as follows: "Licensed," with the year in which such license was issued, which plate shall be placed and kept on the outside of said car in a conspicuous place so that it may be readily seen from the sidewalk, and the said license shall be framed and exposed in the car bearing the number corresponding with that in said license: Provided, that when any car shall be laid off for repairs another car may be substituted and used and shall have the same number during such time, and on extraordinary occasions additional cars may be used. [R. O. 1897, Chap. 62, Art. 1, Sec. 12].

SEC. 1081. **Penalty for failing to pay license.**—On the first day of May, of each year, the license inspector shall notify all persons embraced in the next preceding section, transporting passengers on any street railway in the city of St. Joseph, or the superintendent or manager of such railway, to pay the license herein provided, and if any car shall be placed upon and run or used upon any such railway after the said first day of May, the license fee shall be at the same rate for the remainder of the year, and in case of them refuse, fail or neglect to pay said license within ten days after having received said notice, they shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined in a sum of not less than twenty dollars nor more than one hundred dollars for each unlicensed car used by them in transporting passengers within the city of St. Joseph for hire. [R. O. 1897, Chap. 62, Art. 1, Sec. 13].

SEC. 1082. **Transfers—duty to issue.**—It is hereby made the duty of all street railway companies operating lines of street railway within the corporate limits of said city of St. Joseph,

Missouri, to carry passengers for one fare as long as said passengers are traveling in one general direction, or upon separate lines of railway which constitute a part of the railway system of any such company within the limits of said city of St. Joseph, Missouri: and to accomplish this purpose, it is made the duty of each and every such railway company to grant to all passengers riding upon its easterly or westerly lines of railway, transfers to all its lines of railway running in a northerly or southerly direction, and to all passengers riding upon its lines of railway running in a northerly or southerly direction, transfers to its lines of railway running in an easterly or westerly direction; also to issue transfers to its passengers from any line of railway operated by any such railway company to any other separate line of railway operated by such company within the corporate limits of said city: provided, however, that nothing herein contained shall be so construed as to require any such railway company to issue transfers which would enable passengers to make what is commonly known as a loop, or which would allow them to return substantially to the starting point for one fare. [G. O. No. 866, Sec. 1].

SEC. 1083. **Same—how issued.**—Said railway companies are hereby authorized to issue the transfers herein provided for so limited in terms as to prevent passengers from going in more than one general direction, or to transfer to other than the different lines of railway of any such company and to so limit the terms of said transfers that the same cannot be used by any other person than the one originally receiving the same, and that any such transfer cannot be used unless presented to the railway company issuing the same within fifteen minutes after the car upon which the person holding said transfer was a passenger has reached the point of transfer. The transfers herein provided for shall be issued upon demand of passengers actually intending to ride upon the same at any time before the point of transfer has been reached. [G. O. No. 866, Sec. 2].

SEC. 1084. **Transfers not to be sold or given away—penalty.**—Any person who shall sell, traffic in or give away any transfer of any street railway company issued in accordance with the provisions hereof, except the agents of said company regularly issuing the same as aforesaid, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than

ten dollars nor more than one hundred dollars for each and every offense. Each time any person shall sell, traffic in or give away any such transfer shall constitute a separate and distinct offense hereunder. [G. O. No. 866, Sec. 3].

SEC. 1085. **Same.**—Any officer, agent or employe of any street railway company operating lines of street railway in the city of St. Joseph, Missouri, violating, failing, neglecting or refusing to comply with any of the provisions or requirements of this ordinance, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than ten dollars nor more than one hundred dollars for each offense; and each refusal, neglect or failure to transfer as herein provided for shall constitute a separate and distinct offense hereunder. [G. O. No. 866, Sec. 4].

SEC. 1086. **Shall remove tracks and restore street, when.**—Whenever any street railway company to which the right has been granted by the common council of this city to construct and operate its tracks over, along and upon any street or avenue of this city shall have, or shall hereafter, abandon any such street or avenue, or any part thereof and shall have, or shall hereafter, remove its tracks from any such street or avenue, or any part thereof, it shall be the duty of such street railway company to remove all cross-ties and stringers heretofore placed in said street, avenue or part thereof, and to restore such street or avenue or part thereof, to as perfect a condition for travel as though such ties and stringers had never been laid therein, and to put the same in thorough repair. [R. O. 1897, Chap. 62, Art. I, Sec. 14].

SEC. 1087. **Same—penalty.**—Any street railway company which shall fail to remove its ties and stringers and to so restore and put in perfect condition any street or avenue, or part thereof, from which it has removed its tracks, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined in a sum not exceeding one hundred dollars for each day that it shall fail so to do from and after the tenth day following next after the city engineer shall have notified the general manager, superintendent, or other officer found in charge thereof, of said street railway company so to do. [R. O. 1897, Chap. 62, Art. 1, Sec. 15].

SEC. 1088. **Notice to restore street—how served.**—It is hereby made the duty of the city engineer to notify the general manager or superintendent or any local managing agent or officer of any street railway company which has or shall have so removed its tracks to remove its ties and stringers and to so restore and put in such perfect condition such street or avenue or part thereof, by a notice in writing under his hand as city engineer; and he shall also furnish the city attorney with a copy of such notice, certifying the day and manner of its service. [R. O. 1897, Chap. 62, Art. 1, Sec. 16].

ARTICLE II.

RECONSTRUCTION AND PAVING OF STREET RAILWAY TRACKS.

SECTION

1089. Street improvements, removal of tracks for.

1090. Tracks replaced, when.

1091. Reconstruction of tracks.

SECTION

1092. Notices, how served—penalty for violating ordinance.

1093. Right of city not relinquished.

SEC. 1089. Street improvements, removal of tracks for.—When any street, avenue or highway in this city, any portion of which is or may be occupied by the track or tracks of any street railway company is by ordinance ordered to be macadamized or paved such street railway company shall, upon receiving written notice from the city engineer so to do, within forty-eight hours from the receipt of such notice, remove all its tracks, stringers, cross-ties and all other parts or appurtenances of said track or tracks from such portion of said street, avenue or highway as the city engineer may direct in the notice aforesaid, not to exceed a distance of five hundred feet at one time: Provided, however, that no one line of street railway shall be required to move its track or tracks for any distance at more than one place at any one given time for the purpose named in this ordinance. “A line of street railway” is hereby defined as a system of tracks serving a separate portion or district of the city, whether originally laid and constructed under one or more grants or franchises. [R. O. 1897, Chap. 62, Art. 2, Sec. 1].

SEC. 1090. Shall replace track, when.—Said railway company or any officer or employe thereof shall not replace said track or tracks, stringers, rails, cross-ties or any part or appurtenances of said track or tracks or any portion thereof until the roadbed of said street, avenue or highway shall have been graded to receive the macadam or paving material. When, upon the portion of said street, avenue or highway from which the said railway track or tracks and all parts and appurtenances thereof have been removed by said railway company in pursuance of the notice herein required to be given the sub-grade has been properly formed, prepared and rolled, the city engineer shall notify said

railway company to replace said railway track or tracks and the necessary parts and all appurtenances thereof for the entire distance from which they have been removed, said laying and reconstruction to be completed within forty-eight hours from the service of said notice and in accordance with the provisions of the following section of this ordinance. [R. O. 1897, Chap. 62, Art. 2, Sec. 2].

SEC. 1091. **Tracks, how reconstructed.**—When the tracks of any street railway company are to be laid, relaid or reconstructed on any street, avenue or highway which is paved or ordered paved with granite blocks, wooden blocks, bricks or other material which is usually laid in accordance with a similar or like system, said track or tracks shall be so laid as to conform to the finished grade of said paving and so constructed that the tops of the cross-ties shall be at least eleven inches below the finished surface of the pavement: Provided, however, that upon streets upon which it is ordered or permitted to pave between the rails and a limited distance outside thereof with brick on edge laid in sand upon a broken stone base the tops of the cross-ties shall be not less than nine inches below the finished surface of the pavement; and each of said cross-ties shall be supported upon a layer of stone broken to pass through an inch and one-half ring; said layer to be not less than four inches thick and twelve inches wide and carried up on the sides of the cross-ties to the sub-grade prepared for the paving and thoroughly rammed under and about the cross-ties: Provided, however, that upon streets along and across which the tracks of any street railway have already been laid with “T” rails and which streets are now macadamized or shall be ordered macadamized, said tracks may be relaid or reconstructed with said “T” rails, so that the tops of the same shall conform to the finished surface of the street and the cross-ties supported each upon a layer of stone broken to pass through an inch and one-half ring, said layer to be not less than four inches thick and twelve inches wide and thoroughly rammed in place. All cross-ties, stringers, blocks or other parts or appurtenances, consisting of wood used in the laying, relaying, repairing or reconstructing any railway track or tracks or part thereof, shall consist of sound white or burr oak timber; said cross-ties shall be sawed or hewed upon the upper and lower surfaces, to be not less than five inches thick and six inches wide at said upper

and lower surfaces, and laid not more than thirty inches apart from center to center of cross-tie. All brace chairs or brace blocks used in the laying, relaying, reconstruction or repairing of any street railway shall be of iron. All street railway tracks laid or relaid with "T" rails upon any paved street shall have the cavity included between the head and flange of the rail, and on the outside of each rail, filled with hydraulic cement mortar mixed in proportions of one part cement and one part of sand, and in the same manner the like cavity on the inside of the rail shall be filled to a height reached by the flange of the street car wheel, and from which height the paving between the inside of the rails shall rise to a crown in the middle of each track corresponding with the surface of the tops of the rails. The stringers, chairs or other appliances for supporting the rails to be so constructed and placed as not to interfere with the proper laying of the paving. All of the above work to be done under the directions of and according to the reasonable orders and instructions and completed to the satisfaction of the city engineer. Any street railway track or tracks, parts or appurtenances thereof laid, relaid, reconstructed or repaired in violation of any provisions of this ordinance and in conflict with the reasonable orders and directions of the city engineer shall be ordered removed from any street, avenue or highway in a written notice from the city engineer to the company owning or operating the track or tracks, parts or appurtenances which have been laid, relaid, reconstructed or repaired in violation of the provisions of this ordinance; said removal to be made within forty-eight hours from the service of said notice. [R. O. 1897, Chap. 62, Art. 2, Sec. 3].

SEC. 1092. Notices, how served—penalty for violating ordinance.—All notices mentioned in this ordinance shall be in writing and delivered in person to the president, vice-president, secretary, treasurer, general manager or superintendent of the said railway company, as may be most convenient and expeditious, and said service upon any one of the above mentioned officers or persons shall be deemed a sufficient notice to the railway company and any of the above mentioned officers or persons neglecting, refusing or failing to comply with said notices or any officer or employe of said railway company violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor

and fined, upon conviction, in a sum not exceeding one hundred dollars. And each day said officer or person above mentioned shall fail, neglect or refuse to comply with the terms of any notice mentioned in this ordinance shall be deemed a separate offense. [R. O. 1897, Chap. 62, Art. 2, Sec. 4.]

SEC. 1093. **Rights of city not relinquished.**—Provided that nothing contained in the foregoing sections of this ordinance shall be construed in any manner or form as relinquishing or in anywise impairing the right of the city of St. Joseph to compel any street railway to pave and keep in repair the spaces between its rails and eighteen inches on the outsides thereof. [R. O. 1897, Chap. 62, Art. 2, Sec. 5].

ARTICLE III.

PLANK CROSSINGS FOR STREET RAILWAY TRACKS.

SECTION

1094. Shall construct plank crossings, when.

SECTION

1095. Same, notice how served, penalty.

SEC. 1094. **Shall construct plank crossings, when.**—It is hereby made the duty of all street railway companies within the city of St. Joseph, within ten days after being notified so to do by the city engineer, to construct at the intersection of the tracks of said company by any unpaved street, avenue or alley, a plank crossing extending across and between the tracks and not less than ten inches outside the rails thereof. Said crossing to be made of white or burr oak plank not less than three inches in thickness and not less than sixteen feet long; and if in the judgment of said city engineer the amount and importance of the travel on said street, alley or avenue justifies the same it shall be the further duty of said street railway company to make said crossing of a length equal to the width of the roadway of said intersecting street, alley or avenue; and the city engineer shall so notify said company. Upon tracks which are laid with the “T” rails, exceeding three inches in height, the thickness of the crossing planks shall in all cases equal the height of the rail and the plank shall be shaped to fit closely to the web and flange of said “T” rail and be properly beveled away from the head of the rail to allow the passage of the flange of the car wheels. [G. O. No. 716, Sec. 2].

SEC. 1095. **Same; notice, how served, penalty.**—The notice mentioned in section 1094 of this ordinance shall be in writing and delivered in person to either the president, vice-president, secretary, treasurer, general manager or general superintendent, as may be most convenient and expeditious, and such delivery of notice in writing shall be held as sufficient notice to said company; and any officer or person as herein enumerated refusing or neglecting to comply with the terms and conditions of this ordinance, after being notified by said city engineer to put in a crossing or crossings, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not exceeding one hundred dollars. [G. O. No. 716, Sec. 3].

CHAPTER XLIV.

REPORTS AND ACCOUNTS,

SECTION

- 1096. Officers to pay over money.
- 1097. Judge of the police court, report of.
- 1098. Superintendent of workhouse, report of.
- 1099. Other officers to report, when.
- 1100. Disposition of canceled indebtedness.

SECTION

- 1101. Failure to report, a misdemeanor.
- 1102. Street lighting department, accounts of.
- 1103. Same—inventory of supplies, etc.

SEC. 1096. Officers to pay over money.—All city officers who shall, in the discharge of their duties, receive money belonging to the city, shall, on the first business day of each calendar month, pay into the city treasury such sums as they have collected during the preceding month, taking triplicate receipts therefor, one of which shall be filed with the city auditor, one with the city comptroller and the third retained. The last two receipts, before they shall be valid for any purpose, shall be countersigned by the auditor. [R. O. 1897, Chap. 63, Sec. 1].

SEC. 1097. Judge of the police court—report of.—The judge of the police court shall, on the first day of each month, make a report to the city comptroller of the business of his office during the month preceding, showing the total amount of fines imposed by him during the month, together with such other facts as the comptroller may require. [R. O. 1897, Chap. 63, Sec. 2].

SEC. 1098. Superintendent of workhouse, report of.—The superintendent of the workhouse shall, on the first day of each month, make a report to the city comptroller of the business of his office during the month preceding, giving the number of prisoners received and discharged during the month, money received, together with such other facts as the comptroller may require. [R. O. 1897, Chap. 63, Sec. 3].

SEC. 1099. Other officers to report, when.—All other officers of the city shall make report to the city comptroller of the bus-

iness of their respective offices whenever thereto required by him. [G. O. 1897, Chap. 63, Sec. 4].

SEC. 1100. **Disposition of canceled indebtedness.**—All canceled indebtedness and vouchers shall, after final examination by the finance committee, be deposited with the city comptroller and in that office preserved. [R. O. 1897, Chap. 63, Sec. 5].

SEC. 1101. **Failure to report, a misdemeanor.**—Any officer failing or refusing to make report as required by ordinance, or whenever thereto required by the city comptroller, shall be deemed guilty of a misdemeanor, and such failure or refusal shall be considered good cause for removal from office. [R. O. 1897, Chap. 63, Sec. 6].

SEC. 1102. **Accounts of street lighting department.**—It shall be the duty of the comptroller to cause the accounts of the street lighting department to be classified as follows:

First. Operation and maintenance expense account, which shall include all expenditures for supplies, fuel and tools to repair and maintain the present service.

Second. Improvement and extension account, which shall include all expenditures made in increasing the number of lights. [R. O. 1897, Chap. 63, Sec. 7].

SEC. 1103. **Same; inventory of supplies—unpaid bills.**—At the close of each fiscal year the superintendent of the electric light plant shall file with the comptroller an itemized inventory of supplies on hand. He shall also report all supplies contracted for and all bills unpaid at that date. [R. O. 1897, Chap. 63, Sec. 8].

CHAPTER XLV.

REVENUE—UNREDEEMED PROPERTY.

SECTION

1104. Compensation for collecting
delinquent taxes.

SECTION

1105. Certificates of publication as
to unredeemed real estate.

SEC. 1104. Compensation for collecting delinquent taxes.—

The compensation for collecting delinquent taxes by the city collector and his deputies under the provisions of section 5597. Revised Statutes, 1899, shall be five per cent of all such taxes actually collected, which amount he shall collect from the delinquent taxpayer, together with the whole amount of delinquent taxes, interest, penalty and costs. [R. O. 1897, Chap. 64, Sec. 1].

SEC. 1105. Certificate of publication as to unredeemed real estate.—The certificate of publication of the advertisement of unredeemed real property required to be made by section 5625 of the Revised Statutes, 1889, of the state of Missouri, may be in form substantially as follows, to wit:

STATE OF MISSOURI, }
County of Buchanan } ss.

....., manager of the.....a newspaper printed and published in the city of St. Joseph, Missouri, being duly sworn, upon his oath, says: that the city collector's advertisements of unredeemed real property, of which the annexed is a true and correct copy, was printed and published in said newspaper once a week for three successive weeks from the.....day of.....until the.....day of....., both inclusive.

.....

Manager of the.....

Subscribed and sworn to before the undersigned, a.....
within and for the county and state aforesaid, this.....day of.....

[R. O. 1897, Chap. 64, Sec. 2].

CHAPTER XLVI.

RUNNERS.

SECTION

1106. Runner, license for.
1107. License to state what; transferable.
1108. Runner shall wear badge.

SECTION

1109. Must not disturb other persons.
1110. Bond required.

SEC. 1106. **Runner, license for.**—No person shall act or serve as a runner in this city without securing a license therefor from said city, and the charge for such license per year shall be as follows, payable semi-annually: Runner for clothing, dry goods, furnishings or any other store, fifty dollars; runner for railroad, hotel, restaurant or boarding house, twenty-five dollars; runner for any other trade, business or avocation mentioned in this section, twenty-five dollars. The term "runner," as used herein, shall mean any person who shall in any manner solicit customers for, or secure or attempt to secure, the stopping or business of any passengers or any person at any hotel, inn, boarding house, restaurant, railroad ticket broker or other public place, or any clothing, dry goods, furnishing or any other store or any other trade, business or vocation whatever, on any sidewalk, street, avenue or alley of said city, or in or about any railroad depot or other public place; or any person who shall in any manner solicit passengers for any steamboat or railroad, or shall in any way solicit passengers or baggage to be carried or conveyed to any place in said city, in any hack, carriage, omnibus, wagon or other vehicle: Provided, that no person licensed as a runner for any restaurant or store of any kind shall solicit trade or customers at any place on the sidewalk, either immediately in front of or within fifty feet on each side of any store, shop, stand, booth or other place devoted to a business similar in kind to that for which he is a runner, and which is owned or operated by any person or persons other than his employer. [G. O. No. 905, Sec. 1].

SEC. 1107. **License to state what—transferable.**—The license issued to runners shall specify the name of such hotel, inn, boarding house, ticket broker's office or other public house, or

other trade, business or vocation whatever for which the licensee desires to act as runner, and shall authorize the licensee to run for the house, business or office so specified, and no other. If the licensee desires to quit running for the house, business or office named in such license, and to run for another, it shall be the duty of the city auditor, on request of the licensee, to erase the name of the house, business or office mentioned in said license, and insert the name of the one for which such licensee desires to run. [R. O. 1897, Chap. 65, Sec. 2].

SEC. 1108. **Runner shall wear badge.**—Every person obtaining a runner's license shall be furnished by the city auditor, at the expense of the city, with a metal badge, with the word "runner" thereon; and such person shall, while engaged in the business for which his license was granted, wear such badge on the front part of his hat or cap in such a manner as to be at all times plainly visible. No person not licensed as a runner shall wear any such badge. [R. O. 1897, Chap. 65, Sec. 3].

SEC. 1109. **Must not disturb other persons.**—No runner, while engaged in his business, shall, at any place in this city, cry out in a loud, unusual or boisterous manner, or use or utter any profane, obscene or unseemly language, or push, take hold of, jostle or otherwise annoy, vex, harass, disturb or interfere with passengers or any other persons. [R. O. 1897, Chap. 65, Sec. 4].

SEC. 1110. **Bond required.**—Every person applying for a license to engage in or carry on the business of a runner shall at the time such license is issued to him enter into bond to the city of St. Joseph, with two or more good and sufficient securities, residents of the city, to be approved by the comptroller and filed with the auditor, in the penal sum of five hundred dollars, conditioned that said applicant will strictly and faithfully observe all ordinances and regulations of the city in relation to runners or their business, and will pay all costs, fines and penalties incurred on account of his failure or neglect in that behalf. [R. O. 1897, Chap. 65, Sec. 5].

[For penalty for violating this chapter see section 662 of chapter entitled "Licenses."]

CHAPTER XLVII.

SCALES AND WEIGHTS.

SECTION

I. Public scales.

ARTICLE

II. City weighmaster.

ARTICLE I.

PUBLIC SCALES.

SECTION

- 1111. License to keep public scales.
- 1112. Articles for sale to be weighed.
- 1113. Weigher to give ticket.

SECTION

- 1114. Fees allowed for weighing.
- 1115. Not to designate as city scales.

SEC. 1111. License to keep public scales.—No person shall keep or use any public scale without a license therefor from said city, and the charge for such license shall be ten dollars per year. All platform scales, except railroad track scales and elevator scales, which are or may be used for weighing stock, hay, lime, stonecoal, charcoal or any kind of coal, grain, or any other article or thing for any person other than the owner of such scales shall be deemed public scales. [R. O. 1897, Chap. 66, Art. 1, Sec. 1].

SEC. 1112. Articles for sale to be weighed.—All hay, coal, stonecoal, charcoal, lime, grain (unless measured by the bushel), and live stock, which are offered or exposed for sale shall, before being sold, be weighed at one of the public scales, and any person who shall sell any of said articles or things, without first having the same weighed as prescribed in this section, shall be deemed guilty of a misdemeanor. [R. O. 1897, Chap. 66, Art. 1, Sec. 2].

SEC. 1113. Weigher to give ticket.—Whenever the owner, keeper, manager or person in charge of such scales shall weigh any such article or thing for another he shall give to such person a certificate, legibly written in ink, without erasure or interlineation, which certificate shall state the number of packages of each

draught, the weight of each draught, separately, and the description of any animal weighed thereon, if any, and shall sign his name thereto as weighmaster; and such certificate shall not be considered as proof of pounds in any draught for a longer period than one day from and after the date thereof. Any weighmaster, owner, keeper, manager or person in charge of such public scales who shall give or cause to be given a false or incorrect certificate of weight, or who shall violate, fail, neglect or refuse to comply with any provision, regulation or requirement of this section, or any person who shall erase any portion of any such certificate or in any way change the same shall be deemed guilty of a misdemeanor. [R. O. 1897, Chap. 66, Art. 1, Sec. 3].

SEC. 1114. **Fees for weighing.**—Any owner, keeper or manager of any public scales shall be entitled to and may recover and collect the following fees, to wit: For each draught of hay, grain, corn, lime, coal, stonecoal or charcoal, twenty cents; for each head of hogs or sheep, three cents; and for each head of cattle, ten cents. [R. O. 1897, Chap. 66, Art. 1, Sec. 4].

SEC. 1115. **Not to designate as city scales.**—No person other than a regularly appointed city weigher shall erect, display or maintain on or about any public scale under his control, any sign designating such scale as a city scale. Any person violating the provisions of this section shall be fined in a sum not to exceed twenty-five dollars. [R. O. 1897, Chap. 66, Art. 1, Sec. 5].

ARTICLE II.

CITY WEIGHMASTER.

SECTION

- 1116. Appointment of city weighmaster.
- 1117. Duty of weighmaster.
- 1118. Manner of weighing loads, etc.
- 1119. Diminishing weights; penalty for.
- 1120. Fees for weighing.
- 1121. Weighmaster to pay over receipts monthly.

SECTION

- 1122. Shall keep a record and report monthly.
- 1123. Private persons prohibited from weighing.
- 1124. Public scales and weighmaster shall charge, what fees.
- 1125. Penalty.

SEC. 1116. **City weighmaster, appointment of.**—There shall be appointed in the city of St. Joseph by the mayor thereof, subject to confirmation by a majority of the common council, an officer to be styled city weighmaster, who shall hold his office for a term of two years, and until his successor is duly appointed and qualified, and who shall receive such compensation for his services as may by ordinance be prescribed, and who shall, before entering upon the duties of his office, execute a bond to the city of St. Joseph in the penal sum of one thousand dollars conditioned for the faithful discharge of his duties. [G. O. No. 567, Sec. 1].

SEC. 1117. **Duty of weighmaster.**—It shall be the duty of the city weighmaster to attend at the city scales, and to test the accuracy of said scales at least once in every three months, and to weigh all articles which may be required to be weighed, and to give the person requiring the same a certificate of the net weight thereof, after deducting in cases of wet and mud. [R. O. 1897, Chap. 66, Art. 2, Sec. 2].

SEC. 1118. **Manner of weighing loads, etc.**—When any vehicle and load shall be weighed together the city weighmaster's certificate shall state the gross weight thereof, and upon the sale or delivery of said load the vehicle shall again be weighed, without charge, by the city weighmaster, and thus the net weight of the load ascertained; and in no case shall the city weighmaster state in his said certificate the weight of any vehicle which may

have been weighed with any load until said city weighmaster shall have ascertained the weight of such vehicle by actually weighing the same; and on the request of the purchaser of any articles which may have been weighed by the city weighmaster, and a certificate therefor given, the same shall be reweighed, and the expense of reweighing shall be paid by the purchaser, if the weight be found correct; but if found incorrect the expense of reweighing shall be paid by the seller. [R. O. 1897, Chap. 66, Art. 2, Sec. 3].

SEC. 1119. **Diminishing weights—penalty.**—Any person who shall have had any article weighed, as aforesaid, and received a certificate therefor, who shall, before selling the same, diminish the weight, or shall sell a part thereof and afterwards sell or offer for sale the remainder as for the quantity stated in said certificate, or who shall change, alter or in any manner falsify the certificate of the city weighmaster, or who shall suffer or permit the same to be done, shall be subject to a fine of not less than twenty dollars nor more than one hundred dollars for every such offense. [R. O. 1897, Chap. 66, Art. 2, Sec. 4].

SEC. 1120. **Fees for weighing.**—The city weighmaster is hereby authorized and required to collect, for the use of the city, the following fees for weighing and giving a certificate therefor: For each draught of hay, grain, corn, lime, coal, stonecoal, or charcoal, twenty cents; for each head of hogs or sheep, three cents; and for each head of cattle, horses or mules, ten cents; and for each hundred pounds or fractional part thereof, of any merchandise or other article, not loaded in a vehicle, two cents. [R. O. 1897, Chap. 66, Art. 2, Sec. 5].

SEC. 1121. **Weighmaster to pay over receipts monthly.**—The city weighmaster shall pay to the city treasurer, on the first day of each month, all moneys received for weighing or for market fees during the preceding month, taking triplicate receipts therefor, one to be filed with the auditor, one with the comptroller and the third retained. [R. O. 1897, Chap. 66, Art. 2, Sec. 6].

SEC. 1122. **Shall keep a record and report monthly.**—The city weighmaster shall keep a record, and shall enter therein the amount of each load and the name of each person for whom and

the date when the same was weighed or allowed to attend at the hay market, together with the fees received therefor. The city weighmaster shall make a report to the comptroller on the first of each month, which report shall be a true copy of the record kept in his office. [R. O. 1897, Chap. 66, Art. 2, Sec. 7].

SEC. 1123. **Private persons prohibited from weighing.**—All persons owning or having charge of any scales in the city, other than those licensed as public scales, or owned or managed by the city, are prohibited from weighing or permitting to be weighed on such scales any hay, coal, stonecoal, charcoal, lime, grain (except in less quantities than ten bushels), or live stock: Provided, that nothing in this ordinance, or any other ordinance of the city, shall be so construed as a prohibition against any person owning or having charge of any scales, weighing any article that he may at the time own, or that he may weigh for the purpose of purchasing. [R. O. 1897, Chap. 66, Art. 2, Sec. 8].

SEC. 1124. **Fees of public scales and weighmaster.**—The city weighmaster and all persons owning, keeping or managing any public scales shall charge the fees authorized by ordinance neither more nor less. Any person violating this section shall be deemed guilty of a misdemeanor. [R. O. 1897, Chap. 66, Art. 2, Sec. 9].

SEC. 1125. **Penalty.**—Any person violating any of the provisions of this ordinance where no penalty is specially imposed shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not to exceed twenty-five dollars. [R. O. 1897, Chap. 66, Art. 2, Sec. 10].

CHAPTER XLVIII.

SCAVENGERS.

SECTION		SECTION
1126.	Privy or cesspool to be cleaned.	1132. Equipment for scavenger work.
1127.	Scavengers defined.	1133. Owner must have written permission of health officer.
1128.	Privy and cesspool, how cleaned.	1134. Health officer to notify owner to clean, etc.
1129.	Same; air-tight tank to be used.	1135. Scavenger to report to health officer the work done.
1130.	By licensed scavengers.	1136. Penalty for violating this ordinance.
1131.	Penalty for doing scavenger work.	

SEC. 1126. Privy or cesspool to be cleaned by direction of health officer.—No person, company or corporation within the fire limits of the city of St. Joseph shall empty, clean, cover or remove the contents of any privy vault or cesspool except in the manner provided in this ordinance and in pursuance of the directions, regulations and requirements of the health officer. [R. O. 1897, Chap. 67, Sec. 1].

SEC. 1127. Scavenger defined.—Any person, company or corporation who shall engage in the business of emptying, cleaning or covering or removing the contents of any privy vault or cesspool shall be deemed a scavenger within the meaning of this ordinance. [R. O. 1897, Chap. 67, Sec. 2].

SEC. 1128. Privy and cesspool, how cleaned.—The cleaning, emptying and removing of the contents of privy vaults or cesspools shall be done in an inoffensive manner, and any such scavenger having begun such scavenger work shall, without any interruption or delay, finish the same, and shall, in every instance, leave the privy vault or cesspool in as good condition upon the vault of cesspool as when the work was undertaken. [R. O. 1897, Chap. 67, Sec. 4].

SEC. 1129. Same; air-tight tank to be used.—The contents of privy vaults or cesspools so removed by any scavenger, shall be conveyed to some place designated by the health officer in

air-tight tanks or vessels, and shall be disposed of in such manner as to cause no offense; and all tanks shall be kept clean and inoffensive when not in actual use. [R. O. 1897, Chap. 67, Sec. 5].

SEC. 1130. **By licensed scavengers.**—No privy vault or cesspool shall be cleaned, emptied, covered or removed except by a licensed scavenger. The health officer may prescribe such details for the doing of such scavenger work as the proper enforcement of this ordinance shall require. [R. O. 1897, Chap. 67, Sec. 6].

SEC. 1131. **Penalty for doing scavenger work.**—Any person who shall be guilty of doing any scavenger work in the city of St. Joseph without first having obtained a liscence therefor, as provided for in this ordinance, shall be fined not less than ten dollars nor more than fifty dollars for each and every offense. [R. O. 1897, Chap. 67, Sec. 7].

SEC. 1132. **Equipment for scavenger work.**—Scavengers who engage in the business of removing the contents of privy vaults or cesspools, shall cause to be painted on the tank or wagon box of their wagons, in large letters and figures, his name, number of license and letter of wagon, and carry on each wagon so employed at night, a lighted lamp with plain glass front and sides, with the number of the license and the letter of the wagon painted with black paint on the sides and front of each said lamps, in distinct and legible figures at least two inches in size, and so placed that said lamp may be distinctly seen and said numbers and letters easily read. The scavenger shall also carry the permit for work in each instance for inspection of the police. It shall be the right and duty of such night scavenger so licensed, when requested by any owner, agent or occupant of any privy vault or cesspool within the city, to clean and remove the contents thereof, and to remove and deposit the same at such place or places as shall be designated by the health officer of the city of St. Joseph. [R. O. 1897, Chap. 67, Sec. 8].

SEC. 1133. **Owner must have written permission of health officer.**—Owners, occupants or agents of privy vaults within the city, desiring to clean or remove the contents thereof themselves without the aid of night scavengers, shall not be allowed to do so

except upon the written permission of the health officer, and then only in such manner as said permit shall direct. [R. O. 1897, Chap. 67, Sec. 9].

SEC. 1134. **Health officer to notify owner to clean, etc.**—Whenever in the opinion of the health officer any privy vault or cesspool shall be offensive or need cleaning, it shall be his duty to notify the owner, agent or occupant to clean the same within a period named in said notice; also to serve printed copy of this ordinance. Such person, owner, agent or occupant so notified, and failing to comply with said notice within the time mentioned shall, upon conviction, be fined in a sum not less than ten dollars nor more than fifty dollars for each and every offense. In case no owner or agent can be found in the city, the health officer shall cause such offensive vault or cesspool to be cleaned, the expense to be collected as in other cases of the removal or abatement of nuisances. [R. O. 1897, Chap. 67, Sec. 10].

SEC. 1135. **Scavengers to report to health officer the work done.**—Scavengers shall make a return of such permit to the health officer, certifying to the number of yards which they have removed from the vault or cesspool therein described, also where the same was deposited, within two days after the work shall have been performed. [R. O. 1897, Chap. 67, Sec. 11].

SEC. 1136. **Penalty for violating ordinance.**—Any scavenger who shall violate any provision of this ordinance, or shall fail to comply with any order, direction or regulation lawfully made by the health officer, shall be fined not less than ten dollars nor more than fifty dollars for each and every offense, and shall be subject to a revocation of license in the discretion of the mayor. [R. O. 1897, Chap. 67, Sec. 12].

CHAPTER XLIX.



SEAL.

SECTION 1137. Description of, establishment of.

SECTION 1137. **Description of seal.**—The seal heretofore provided and used by and for the city of St. Joseph (the impression on which is a representation of the Goddess of Liberty, with the inscription, Seal of the City of St. Joseph, around the outer edge of said seal), which seal, represented as aforesaid, is hereunto annexed), shall be and is hereby established and declared to have been and now to be the seal of the city of St. Joseph. [R. O. 1897, Chap. 68, Sec. 1].

CHAPTER L.

SECOND-HAND DEALERS.

SECTION 1138. Second-hand dealers to keep record, etc.

SECTION 1138. **Second hand dealers to keep record of goods bought.**—Every second hand dealer doing business in this city, shall keep a register in which he shall, at the time of purchase or receipt, enter the name and residence of all persons from whom he shall purchase or receive any second hand goods of any description whatever, together with a minute description of all second hand goods so purchased or received, and particularly mentioning any prominent or descriptive marks that may be on such second hand goods; and he shall keep such register open at all times to the examination or inspection of any person asking or demanding the same. Said register shall be kept clean and legible and no entry therein shall be defaced, erased or obliterated, and all the entries therein shall be made with ink. He shall also, at all times during ordinary business hours permit or allow any person asking or demanding the same, to examine and inspect any second hand goods kept or stored in or about his place of business. Any person violating, failing, neglecting, or refusing to comply with any provision, regulation or requirement of this section, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than twenty-five dollars nor more than one hundred dollars. [R. O. 1897, Chap. 69, Sec. 1].

CHAPTER LI.

SEWERS.

SECTION

- 1139. District and public sewers, how paid for.
- 1140. Main or lateral sewers, how constructed.
- 1141. Sewer connections, how made.
- 1142. Connection with, to be by permission.
- 1143. Penalty for construction without permission.
- 1144. Penalty for working around sewer, etc.
- 1145. Drains to be constructed, how.
- 1146. Same; by permit from the board of public works.
- 1147. Person working under permit to give bond.
- 1148. Notice to board of public works before beginning work.
- 1149. Materials and connections to be approved by the board of public works.
- 1150. City may connect with private sewers, when.

SECTION

- 1151. Penalty for violating the foregoing sections.
- 1152. How connected with buildings.
- 1153. Plan of, to be deposited with the board of public works.
- 1154. The city engineer may ascertain whether drain is properly built.
- 1155. Penalty for violating three preceding sections.
- 1156. Owners considered as petitioners, when.
- 1157. Litter, rubbish, etc., not to be thrown into sewer.
- 1158. Obstructions or discharges, into, etc., forbidden.
- 1159. Person violating, etc., to be notified when—penalty.
- 1160. Condition of building permit.
- 1161. Tax bills for district sewers, information thereon.
- 1162-1246. Boundaries of sewer districts numbered from one to eighty-five, arranged numerically.

Sec. 1139. District and public sewers, how paid for.—

All district and public sewers in the city of St. Joseph shall be constructed under the supervision of the city engineer, and whenever the common council of said city shall cause a sewer to be constructed in any sewer district in the city, the city engineer having charge of the work shall, as soon as said sewer shall be completed, compute the whole cost thereof, and shall assess it as special tax against the lots of ground, exclusive of the improvements in proportion to the area of the whole district, exclusive of public highways: and such officer shall make out a certified bill of said assessment against each lot of ground within the district in the name of the owner thereof. Said certified bill shall be delivered to the contractor for the work and his receipt taken therefor. [G. O. No. 718, Sec. 1].

SEC. 1140. **Main or lateral sewers, how constructed.**—Whenever the construction of any main, district or lateral sewer in the city of St. Joseph shall have been authorized by ordinance, it shall be the duty of the board of public works to advertise for bids and let the contract for the work of construction in the same manner as is provided by law, for the letting of contracts for the doing of other public city work, and to prepare the plans and specifications and a contract for the same, and it shall be the duty of the city engineer to superintend the work and cause such sewer to be constructed in accordance with the terms of the contract and the plans and specifications therefor. [G. O. No. 718, Sec. 2].

SEC. 1141. **Sewer connections, how made.**—All connections with main or lateral sewers shall be made in the most substantial manner, according to the directions and under the superintendence of the city engineer, and under such other regulations as may be provided by ordinance. [R. O. 1897, Chap. 70, Sec. 2].

SEC. 1142. **Connection with, to be by permission.**—Any person who shall make or attempt to make a connection with any main or lateral sewer, without permission from the board of public works, or in violation of the instructions thereof, or any person who shall make or cause to be made a defective private sewer under any street or public highway, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in any sum not exceeding fifty dollars. [G. O. No. 915, Sec. 1].

SEC. 1143. **Penalty for construction without permission.**—It shall be the duty of any person or persons constructing or using any private drain, sewer, or pipe connecting with or emptying into any main or lateral sewer within this city, to construct and use the same strictly in conformity with the orders and directions of the board of public works, which orders and directions shall be given in writing for such purpose; and any person who shall construct or use, or cause to be constructed or used, any such drain, sewer or pipe in a different manner from that so ordered and directed by said board of public works, shall be subject to a fine of not less than ten dollars nor more than one hundred dollars for every offense, and a like fine for every day

such violation shall continue, after notice from the board of public works to remove or reconstruct the same. [G. O. No. 913, Sec. 1].

SEC. 1144. Penalty for working around sewer, etc.—Any person who shall uncover or excavate under or around any sewer in this city, for any purpose whatever, without a permit from the board of public works, shall be subject to a fine of not less than ten dollars nor more than one hundred dollars; the person or persons by whom the work is done, and their employees shall be deemed guilty of a violation of this section. [G. O. No. 907, Sec. 1].

SEC. 1145. Drains to be constructed, how.—All sewers or drains which connect with or discharge into any public or district sewer, or which lie wholly or in part upon any public street, alley or highway, shall be constructed in accordance with the provisions of this ordinance, and in conformity with the regulations of the board of public works, who shall have general supervision of all such work. [G. O. No. 906, Sec. 1].

SEC. 1146. Same; by permit from the board of public works.—No person shall excavate around or under any public or district sewer, nor connect any private sewer therewith, nor construct any private sewer, on any public street, alley, or highway, except in pursuance of a permit so to do, issued by the board of public works, which permit must be at all times on the ground whilst the work is in progress, and be exhibited to any policeman or other person who may ask to see it. Permits for the construction of private sewers will be issued only to such persons as have given bond as hereinafter provided, upon the application of the owner of the property to be drained, or his duly authorized agent. All applications for permits must be in writing, and must give a clear description of the property to be drained, and of the sewer and sewers which it is desired to construct, with a list of the water closets, sinks, down spouts and other fixtures to be connected therewith. If the board of public works shall deem it necessary for such description, it may require a plan and profile of the proposed sewers, and all such plans, profiles and descriptions, or copies thereof, shall be left in the office of said board. If the proposed sewers are in accordance with the provisions of this ordinance, and the plans thereof are approved

by the board of public works, they shall issue a permit for their construction, which permit shall contain or be accompanied by the regulations and conditions under which the work is to be done. Provided, however, that if the length of the proposed sewer shall exceed one hundred feet, that an amount of money be paid into the city treasury sufficient, in the opinion of said board of public works, to pay for the cost of inspection, which sum shall be a special fund out of which the wages of an inspector, appointed by said board, to see that the work is properly done, shall be paid, and the remainder, if any, returned to the party by whom the fund was created. And provided further, that if the property to be drained by the proposed sewer has ever been assessed for the construction of district sewers no permit for the construction of said private sewer or its connection with any public or district sewer, shall be issued until such assessment has been paid, nor during the construction of any district sewer prior to the assessment of the cost thereof. [G. O. No. 911, Sec. 1].

SEC. 1147. Person working under permit to give bond.—

Any person desiring to work under permits from the board of public works shall first file with said board a bond in the sum of five hundred dollars, with two securities, to be approved by the comptroller; said bond to be conditioned that he will, in all work of constructing private sewers and connecting the same with public and district sewers, faithfully comply with all regulations and instructions of the board of public works, in reference to such work and all the requirements of this ordinance, and will enforce the same upon his employes and hold himself responsible for all their acts. And in case any work under a permit shall be improperly done and in violation of the foregoing conditions, or in case of any damage to any public or district sewer, caused by such violation, either on the part of the person to whom the permit is issued, or his employes, the board of public works shall have the right to reconstruct such defective work and repair such damage, and the whole cost thereof, together with the costs of suit, shall be recovered by the city of St. Joseph by suit on such bond. If any one who has given bond, as hereinbefore provided, shall violate any of the conditions of said bond, the board of public works may refuse to grant any further permits until all improper defective work done by him shall have been repaired, and all ex-

penses which may have been caused the city by such work, shall have been paid into the city treasury. [G. O. No. 908, Sec. 1].

SEC. 1148. Notice to board of public works before beginning work.—The board of public works may require that before work under a permit from it is begun, twenty-four hours notice thereof shall be given at its office, so that an inspector may be on the ground to see that the work is properly done, and also that when the drain layer is prevented from going to work at the time set, he shall report the fact to the said board, and appoint another time for doing the same; and any work done without notice to the board of public works, as aforesaid, or without inspection by one duly authorized by it, shall be treated as defective work, and may be uncovered and if need be, reconstructed by said board at the expense of the drain layer to whom the permit was issued. [G. O. No. 910, Sec. 1].

SEC. 1149. Materials and connections to be approved by the board of public works.—No materials shall be used in constructing sewers to be connected with public or district sewers, or lying wholly or in part on a public street, alley or highway, except such as are approved by the board of public works. In connecting a private sewer with a public or district sewer, the junction pieces which have been built into the sewer must be used for such connection, unless a special permission to cut the sewer be first granted by the board of public works; but if no junction pieces have been set in building the sewer, a connection may be made by inserting into the sewer a junction piece of the size specified in the permit, which junction piece shall lie at an angle with the sewer, not exceeding forty-five degrees, and to be cut slant in the process of manufacture, and not by clipping afterwards. In connecting pipe with pipe a Y junction must be used. The inside of every sewer or drain connecting with a public or district sewer must, after it is laid, be left perfectly smooth and clean throughout its whole length and the ends of all sewers not to be immediately used, must be securely guarded against the introduction of sand or earth, by brick or cement or other water-tight and imperishable materials. [G. O. No. 918, Sec. 1].

SEC. 1150. City may connect with private sewers, when.—The city shall have the right at all times, through the city en-

gineer, or any proper officer, to connect with and use any private sewer built upon any public street, alley or highway for draining the streets, or for any public purpose, and also to reconstruct, or to close up or disconnect from any public district sewer, or any private sewer, constructed in violation of the provisions of this ordinance, or which may, from any cause, have become a nuisance. [R. O. 1897, Chap. 70, Sec. 11].

SEC. 1151. Penalty for violating the foregoing sections.—Any person who shall violate any of the provisions of the next six preceding sections of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall pay a fine of not less than twenty-five dollars, nor more than one hundred dollars for each offense. [R. O. 1897, Chap. 70, Sec. 12].

SEC. 1152. How connected with buildings.—It shall be unlawful hereafter to construct or extend any drain for the reception of sewerage or waste water, under or into any hotel, tenement house or dwelling, or to connect the same with any public or district sewer, unless the said drain shall, in its plan and construction, conform with the following requirements: First, there shall be in said drain a trap so constructed as to bar the passage of air from beyond the trap into the house, and by an obstacle equal to at least two inches in depth of water. Second, between said trap and the foot of the soil pipe, there shall be connected with said drain an inlet pipe for the admission of fresh air, and the soil pipe within the house shall be continued above the roof and left open so that the whole drain may be thoroughly and constantly ventilated. [R. O. 1897, Chap. 70, Sec. 13].

SEC. 1153. Plan of, to be deposited with the board of public works.—Whenever any person desires to construct a house drain intended to be connected with, or discharged into, any public or district sewer, he shall, before beginning work upon the same, deposit with the board of public works a plan thereof, which plan shall show the whole course of the drain from its connection with the sewer to its terminus within the house, with the location of all branches, traps and fixtures to be connected therewith; said plan, or copy thereof, to be left on file in the office of said board. If upon inspection of said plan, the board of public works shall

find that the same does not conform to the requirements of the preceding section, it shall not issue any permit for its construction or connection with any public or district sewer, and it shall be unlawful to construct said drain or to connect the same either directly or indirectly with any public or district sewer. [G. O. No. 902, Sec. 1].

Sec. 1154. Engineer may ascertain whether drain is properly built. The city engineer shall have the right to enter upon the premises drained by any house drain, constructed and connected with any public or district sewer, at all reasonable hours, to ascertain whether the provisions of this ordinance or any ordinance in regard to house drains have been complied with, and if he shall find that said drain or its attachments do not conform to the provisions of law in regard thereto, he shall notify the owner of said premises or his agent of this fact. It shall, thereupon, be the duty of said owner or his agent to cause said drain or its attachments to be so altered, repaired or reconstructed as to make them conform to the requirements of law in regard thereto within fifteen days from the time of receiving such notice. [R. O. 1897, Chap. 70, Sec. 15].

Sec. 1155. Penalty for violating three preceding sections.—Any person who shall violate any of the provisions of the next three preceding sections shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than ten nor more than one hundred dollars. [R. O. 1897, Chap. 70, Sec. 16].

Sec. 1156. Owners considered as petitioners, when.—The owners or representatives of any property that is drained by a private sewer into a public or district sewer, when such property is not situated within the limits of a sewer district shall be considered as petitioners for establishing a sewer district, whenever any other property holders within said proposed district shall petition the common council for the same. [R. O. 1897, Chap 70, Sec. 17].

Sec. 1157. Litter, rubbish, etc., not to be thrown into sewer. No person shall deposit or throw into any sewer or sewer inlet, or any private drain, or any street or gutter connecting with a public or district sewer, any straw, hay, shavings, tinner's scraps,

manure, wire, tree or vine clippings, garbage or any substance which may cause the sewer or sewer inlet to choke up, or which may create a nuisance: nor shall any dam or obstruction of any kind be placed in any sewer unless permission so to do is expressly granted by the board of public works. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall pay a fine of not less than twenty-five dollars nor more than fifty dollars. [G. O. No. 921, Sec. 1].

SEC. 1158. Obstructions or discharges, into, etc., forbidden.—

No packing house, slaughter house, lard rendering establishment, dairy, steam engine, steam boiler, gas works, hotel or boarding house, or any establishment by which, in the opinion of the city engineer, anything would be discharged into the sewers, tending to obstruct or injure the same, or to cause a nuisance, shall be connected with any public or district sewer, except through one or more catch basins as may be prescribed by said city engineer, and in case the matter discharged by any establishment can not, in the opinion of the board of health, be rendered harmless to the sewer, or to the public health, they shall be excluded from the sewer entirely. [R. O. 1897, Chap. 70, Sec. 19].

SEC. 1159. Persons violating, etc., to be notified when—penalty.—

In case any establishment shall discharge into any public or district sewer in violation of the provisions of the foregoing section, the city engineer shall, whenever ordered by the common council, notify the owner of such establishment to cease from such violation, and, if catch basins are needed, to build the said catch basins and a manhole eighteen inches in diameter over the same to the level of the street or alley, and with an iron cover fitted on the same, within thirty days from the date of said notice. If, at the expiration of said notice, the order so given shall not have been complied with, the person so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall pay a fine of not less than fifty nor more than two hundred dollars for each and every offense. [R. O. 1897, Chap. 70, Sec. 20].

SEC. 1160. Condition of building permit.—The chief of the fire department, or other officer, whose duty it is to issue building permits is required to include in all permits, for the repairs

or erection of buildings, to be hereafter issued by him, the following conditions: First, the applicant shall agree to make a connection with the sewer, if the sewer is already constructed, and if not constructed, he shall enter into a bond to make said connection whenever such sewer shall be constructed. [R. O. 1897, Chap. 70, Sec. 21].

Sec. 1161. Tax bills for district sewers, information thereon.—In the issuing of special tax bills for the construction of district sewers, the city engineer is hereby required to have written, printed or stamped thereon upon the upper third of the back of bills the following information:

Number of sewer district; number of special ordinance ordering the work, with the date of approval; name of contractors, with date of approval of contract; location of sewers laid; number of feet of each size sewer laid; cost per foot of each size; number of inlets, where located and cost of each; number of manholes, where located and cost of each; total number of square feet in the district; cost per square foot; total cost for the district. [G. O. No. 718, Sec. 3].

BOUNDARIES OF SEWER DISTRICT.

Sec. 1162. Sewer district No. 1.—There is hereby established in the city of St. Joseph a sewer district to be known as district No. 1, bounded as follows, to wit: Commencing at the center line of Eighth and Messanie streets, thence north on Eighth street to Charles street, thence east on Charles street to center of Twelfth street, thence south on center line of Twelfth street to Messanie, thence east on Messanie to the alley dividing block 7, Stewart's addition, thence south on said alley to the south line of lot 4 of said block 7 of Stewart's addition, thence west on the south line of lot 4 to Thirteenth street, thence west on the south line of lots 3 and 2, block 5, lots 8 and 3, block 4, lots 6 and 3, block 3, and lots 6 and 3, block 2, all in Patee's addition, to Eighth street, thence north on Eighth street to Messanie street. [R. O. 1897, Chap. 70, Sec. 23].

Sec. 1163. Sewer district No. 2.—There is hereby established in the city of St. Joseph, a sewer district to be known as district

No. 2, bounded as follows, to wit: Commencing at a point on Fourth street at the center of Franklin street, thence east on the center of Franklin street to east line of Sixth street, thence east on the north line of lot 6 in Eges' addition to the alley, thence south along said alley to the north line of lot 33, thence east along said north line to and across Seventh street to the north line of lot 3, block 3, County's addition, thence east on said north line sixty feet, thence south across lots 3, 2, and 1, and parallel to the west line of said lots, to Hall street, thence west on Hall street to a point two hundred feet east of the line of Sixth street, thence south and parallel to said west line of Sixth street across lots 7, 6 and 5 to the south line of lot 5 block 1, County's addition, thence west along the south line of lot 5 to Sixth street, thence west across Sixth street to and along Antoine street to the alley dividing block 14, Robidoux addition, thence south on said alley to the south line of lot 4, said block 14, thence west along the south line of said lot to Fifth street, thence north on Fifth street to Antoine street, thence west on Antoine street to Fourth street, thence north on Fourth street to Franklin street. [R. O. 1897, Chap. 70, Sec. 24].

SEC. 1164. **Sewer district No. 3.**—There is hereby established in the city of St. Joseph a sewer district to be known as district No. 3, bounded as follows, to wit: Commencing on Francis street at the alley dividing block 49, Original Town, thence north on the center line of said alley between Fourth and Fifth streets to the center of block 13, Robidoux's addition, thence east on the south line of lots 9 and 4, blocks 13 and 14, Robidoux addition, to the center of the alley dividing block 14, Robidoux addition, thence south on the center of said alley between Fifth and Sixth streets to Francis street, thence west on Francis street to the center of said alley dividing block 49, Original Town. [R. O. 1897, Chap. 70, Sec. 23].

SEC. 1165. **Sewer district No. 4.**—There is hereby established in the city of St. Joseph a sewer district to be known as district No. 4, bounded as follows, to wit: Commencing at the center line of Main and Jules streets, thence north on the center of Main street to Antoine street, thence east on Antoine street to Second street, thence north on Second street to Louis

street, then east on Louis street to Fourth street, thence south on Fourth street to Antoine street, thence east on Antoine street to Fifth street, thence south on Fifth street to the south line of lot 9, block 13, Robidoux addition, thence west on the south line of said lot 9, to the alley dividing said block 13, between Fourth and Fifth streets, thence south on said alley dividing blocks 13 and 2, Robidoux addition, and blocks 46 and 47, Original Town, to Faraon street, thence west on Faraon street to Third street, thence south on Third street to the south line of lots 10 and 3, block 28, Original Town, thence west on south line of said lots 10 and 3, block 28, Original Town, to Second street, thence south on Second street to Jules street, thence west on Jules street to the center of Jules and Main streets, or point of beginning. [R. O. 1897, Chap. 70, Sec. 26].

SEC. 1166. **Sewer district No. 5.**—The boundary line of sewer district No. 5 is hereby changed to the following boundaries: Commencing at the center line of Fifteenth and Felix streets, thence north on Fifteenth street to Faraon street, thence east on Faraon street to the center of block 8, Harris' addition, thence south along the center line of blocks 8, 9 and 16, to the south line of lot 4, block 16, Harris' addition, thence west on the south line of said lot to Eighteenth street, thence south on Eighteenth street to the south line of lot 9, block 13, Harris' addition, thence west on the south line of lots 9 and 10 to the southwest corner of said lot 10, thence south along the west line of lot 7, in block 13, Carter's addition to Felix street, thence west on Felix street to the center line of block 19, Carter's addition, thence south on the center of the alley dividing block 19, to the south line of lot 4, in said block 19, thence west along the south line of said lot 4, to Seventeenth street, thence south on Seventeenth street to the south line of lot 9, block 21, Carter's addition, thence west along the south line of lots 9 and 2, block 21, and lot 6, block 22, all in Carter's addition, thence north on the west line of blocks 22 and 17, to Felix street, thence west on Felix street to Fifteenth street. [R. O. 1897, Chap. 70, Sec. 27].

SEC. 1167. **Sewer district No. 6.**—There is hereby established in the city of St. Joseph, a sewer district to be known as district No. 6, bounded as follows, to wit: Commencing at the center line of Olive and Fifth streets, thence east on the center line of Olive street to west line of Seventh street, thence south on

west line of Seventh street to Seneca street, thence west on what would be Seneca alley if said alley was opened to Seventh street, to the west line of lot 4, block 3, St. Joseph's Garden addition, thence north on west line of lots 4 and 7, to center of Lafayette street, thence east on Lafayette street to Fifth street, thence north on Fifth street to center of Olive street, or point of beginning. [R. O. 1897, Chap. 70, Sec. 28].

SEC. 1168. **Sewer district No. 7.**—There is hereby established in the city of St. Joseph, a sewer district to be known as district No. 7, bounded as follows, to wit: Commencing at the center line of Sixth and Messanie streets, thence north on Sixth street to the center of Sylvania street, thence west on Sylvania street to the center of Fifth street, thence south on Fifth street to the center of Messanie street, thence east on Messanie street to point of beginning. [R. O. 1897, Chap. 70, Sec. 29].

SEC. 1169. **Sewer district No. 8.**—There is hereby established in the city of St. Joseph, a sewer district to be known as district No. 8, bounded as follows, to wit: Commencing at the center line of Eighth and Messanie streets, thence north on Eighth street to the center of Charles and Eighth streets, thence west on Charles street to Seventh street, thence south on the center of Seventh street to the center of Messanie street, thence east on the center of Messanie street to point of beginning. [R. O. 1897, Chap. 70, Sec. 30].

SEC. 1170. **Sewer district No. 9.**—There is hereby established in the city of St. Joseph, a sewer district to be known as district No. 9, bounded as follows, to wit: Commencing at the Missouri river and center line of Olive street, thence east along the center line of Olive street to the center of block 6, Patee's addition, thence north along the center line of lot 10 and east line of lots 9 and 11 of said block to the alley dividing Cunningham's addition, thence north along the center line of said alley and of the alley dividing Bela M. Hughes' addition, and block 7 Stewart's addition, to the southeast corner of district No. 1, thence westerly along the south line of district No. 1 to the center of Eighth street, thence north along the center of Eighth street to the center of Messanie street, thence west along the center line of Messanie street to the Missouri river, thence southerly along the river line to the point of beginning. [R. O. 1897, Chap. 70, Sec. 31].

SEC. 1171. **Sewer district No. 10.**—There is hereby established in the city of St. Joseph, a sewer district to be known as district No. 10, bounded as follows, to wit: Commencing on Fifth street at a point eighty feet south of the south line of Felix street, thence east on a line parallel to Felix street to the center of the alley dividing blocks 5 and 6, Smith's addition, thence north on the center line of said alley to the center of Francis street, thence west on the center line of Francis street to the center of Fifth street, thence south on the center line of Fifth street to the point of beginning. [R. O. 1897, Chap. 70, Sec. 32].

SEC. 1172. **Sewer district No. 11.**—There is hereby established in the city of St. Joseph, a sewer district to be known as district No. 11, bounded as follows, to wit: Commencing in the alley dividing block 5, Smith's addition, at a point eighty feet south of the south line of Felix street, thence east on said line and parallel to the south line of Felix street, to the center of Eighth street, thence north on Eighth street to the center of Frederick avenue, thence northeast along the center line of Frederick avenue to the center of the alley dividing blocks 22 and 21, Smith's addition, thence north on the center of said alley to the center of Jules street, thence west on the center of Jules street to the center of Seventh street, thence south on the center of Seventh street to the center of Francis street, thence west on the center line of Francis street to the alley dividing block 6, Smith's addition, thence south on the center of said alley to point of beginning. [R. O. 1897, Chap. 70, Sec. 33].

SEC. 1173. **Sewer district No. 12.**—There is hereby established in the city of St. Joseph, a sewer district to be known as district No. 12, bounded as follows, to wit: Commencing at the center line of Third and Messanie streets, thence north on Third street to the center of Charles street, thence east on Charles street to the center of Fifth street, thence south on Fifth street to the center of Messanie street, thence west on Messanie street to the point of beginning. [R. O. 1897, Chap. 70, Sec. 34].

SEC. 1174. **Sewer district No. 13.**—There is hereby established in the city of St. Joseph, a sewer district to be known as district No. 13, bounded as follows, to wit: Commencing at the northwest corner of said district at the center of Eleventh and

Francis streets, thence south on the center of Eleventh street to Charles street, thence east on the center of Charles street to Twelfth street, thence south on the center of Twelfth street to Angelique street, thence east on the center line of Angelique street to Fifteenth street, thence north on the center of Fifteenth street to Sylvania street, thence east on the center of Sylvania street to the alley dividing block 25, Carter's addition, thence north on the center of said alley and the west line of lots 3 and 4, Carter's addition, to the southeast corner of Wilson's addition, thence north on the east line of said addition to Felix street, thence west on the center of Felix street to Fifteenth street, thence north on the center of Fifteenth street to Francis street, thence west on Francis street to point of beginning. [R. O. 1897, Chap. 70, Sec. 35].

SEC. 1175. **Sewer district No. 14.**—There is hereby established in the city of St. Joseph, a sewer district to be known as district No. 14, bounded as follows, to wit: Commencing at the center of Faraon and Twelfth streets, thence east on Faraon street to Thirteenth street, thence north on Thirteenth street to Buchanan avenue, thence east on Buchanan avenue to Landis street, thence north on center of Landis street to the center of the alley dividing block 2, Landis and Hull's addition, thence east on the center of said alley to Hull street, thence north on the center of Hull street to Frederick avenue, thence west on Frederick avenue to the center of Mt. Mora road, thence north on Mt. Mora road to the south line of Mt. Mora cemetery, thence west on the south line of Mt. Mora cemetery to Thirteenth street, thence south on the center of Thirteenth street to the center of Ridenbaugh street, thence west on the center of Ridenbaugh street to Twelfth street, thence south on the center of Twelfth street to the point of beginning. [R. O. 1897, Chap. 70, Sec. 36].

SEC. 1176. **Sewer district No. 15.** There is hereby established in the city of St. Joseph, a sewer district to be known as sewer district No. 15, bounded as follows, to wit: Commencing at the center of Twelfth and Faraon streets, thence north on the center of Twelfth street to Henry street, thence west on the center of Henry street to a point one hundred and ninety-two feet west of the west line of Twelfth street, thence south on the line

dividing lots 6 and 7 and lots 22 and 23, in block 28, St. Joseph Improvement addition to the center of Church street, thence west on the center of Church street to the center of Eleventh street, thence south on Eleventh street to the center of the alley dividing block 32, St. Joseph Improvement addition, thence west on the center of said alley to the line dividing lots 12 and 13, in said block 32, thence south on said line to the center of Isidore street, thence west on the center of Isidore street to a point one hundred and sixty-eight feet west of the west line of Eleventh street, thence south on said line to a point two hundred feet south of south line of Isidore street, thence west and parallel with the south line of Isidore street to the center of Tenth street, thence south on the center of Tenth street to the line dividing lots 2 and 3, block 39, Smith's addition, thence east on said line to the center of the alley running east and west through said block 39, and on the center of said alley to Eleventh street, thence north on the center of Eleventh street to the center of Jules street, thence east on the center of Jules street to center of Twelfth street, thence north on the center of Twelfth street to the point of beginning. [R. O. 1897, Chap. 70, Sec. 37].

SEC. 1177. **Sewer district No. 16.**—There is hereby established in the city of St. Joseph, a sewer district to be known as district No. 16, bounded as follows, to wit: Commencing on the east bank of the Missouri river at the center of Jules street, thence east on the center of Jules street to Second street, thence north on the center of Second street to the north line of lots 2 and 11, block 28, Original Town, thence east on the north line of said lots to Third street, thence north on the center of Third street to Faraon street, thence east on the center of Faraon street to Fourth street, thence south on the center of Fourth street to Jules street, thence west on the center of Jules street to Third street, thence south on the center of Third street to Francis street, thence west on Francis street to Second street, thence south on the center of Second street to Charles street, thence west on the center of Charles street to the Missouri river, thence northwesterly along the east bank of said river to point of beginning. [R. O. 1897, Chap. 70, Sec. 38].

SEC. 1178. **Sewer district No. 17.**—There is hereby established in the city of St. Joseph, a sewer district to be known as

sewer district No. 17, bounded as follows, to wit: Commencing at the center of Charles and Second streets, thence north on the center of Second street to the center of Francis street, thence east on the center of Francis street to the center of Third street, thence north on the center of Third street to the center of Jules street, thence east on the center of Jules street to the center of Fourth street, thence south on the center of Fourth street to the center of Charles street, thence west on the center of Charles street to the point of beginning. [R. O. 1897, Chap. 70, Sec. 39].

SEC. 1179. **Sewer district No. 18.**—There is hereby established in the city of St. Joseph, a sewer district to be known as sewer district No. 18, bounded as follows, to wit: Commencing at the center of Fourth and Charles streets, thence north on Fourth street to the center of Faraon street, thence east on Faraon street to the center of block 48, Original Town, thence south on the center line of blocks 48 and 49, Original Town, to Francis street, thence east on Francis street to the center of Fifth street, thence south on Fifth street to the south line of districts No. 10 and 11, thence east on said line to Eighth street, thence south on Eighth street to Charles street, thence west on Charles street to point of beginning. [R. O. 1897, Chap. 70, Sec. 40].

SEC. 1180. **Sewer district No. 19.**—There is hereby established in the city of St. Joseph, a sewer district to be known as sewer district No. 19, bounded as follows, to wit: Commencing at the center of Fifth and Charles streets, thence east on the center of Charles street to Seventh street, thence south on the center of Seventh street to Messanie street, thence west on Messanie to Sixth street, thence north on Sixth street to Sylvanie street, thence west on Sylvanie street to Fifth street, thence north on Fifth street to point of beginning. [R. O. 1897, Chap. 70, Sec. 41].

SEC. 1181. **Sewer district No. 20.**—There is hereby established in the city of St. Joseph, a sewer district to be known as district No. 20, bounded as follows, to wit: Commencing at the center of Charles and Eighth streets, thence north on the center of Eighth to the south line of Felix street and Frederick avenue, thence northeasterly on the center of Frederick avenue to the east line of Ninth street, thence east on the center line of Francis

street to center of Tenth street, thence north on the center of Tenth street to the north line of lot 2, block 39, Smith's addition, thence east along the north line of lot 2, block 39, Smith's addition and alley running east and west through a portion of said block 39 to the center of Eleventh street, thence south on the center of Eleventh street to the center of Charles street, thence west on the center of Charles street to the place of beginning. [R. O. 1897, Chap. 70, Sec. 42].

SEC. 1182. **Sewer district No. 21.**—There is hereby established in the city of St. Joseph, a sewer district to be known as district No. 21, bounded as follows, to wit: Commencing on Frederick avenue at the alley dividing block 22, Smith's addition, thence north on the center line of said alley dividing blocks 22 and 21, Smith's addition, to the center of Jules street, thence west on the center line of Jules street to the alley dividing block 17, Smith's addition, thence north on the center of said alley to the center of block 17, Smith's addition, thence east on the north line of lot 7, block 17, Smith's addition, to the center of Eighth street, thence north on the center line of Eighth street to the center of Faraon street, thence east on the center line of Faraon street to the alley dividing block 19, Smith's addition, thence on the center line of said alley to the center of block 19, Smith's addition, thence east on the north line of lot 8, block 19, Smith's addition, to the center of Ninth street, thence north on center of Ninth street to the center of Robidoux street, thence east on the center of Robidoux street to the center of Tenth street, thence south on the center of Tenth street to the center of Francis street, thence west on the center of Francis street to the center of Frederick avenue, thence southwest on the center of Frederick avenue to the alley dividing block 22, Smith's addition, and point of beginning. [R. O. 1897, Chap. 70, Sec. 43].

SEC. 1183. **Sewer district No. 22.**—There is hereby established in the city of St. Joseph, a sewer district to be known as sewer district No. 22, bounded as follows, to wit: Commencing on Francis street at the alley dividing block 62, Original Town, thence north on said alley to the center of Antoine street, thence east on Antoine street to the center of Sixth street, thence south on Sixth street to a point opposite the south line of lot 5, block 1,

County's addition, thence east on said line to a point two hundred feet east of the east line of Sixth street, thence north on a line parallel to the east line of Sixth street to the center of Hall street, thence east on Hall street to a point sixty feet east of the east line of Seventh street, thence north on the east line of district No. 2, to the north line of lot 2, block 3, County's addition, thence east along the said line to the east line of block 3, County's addition, thence south on said line to the north line of Hall street, thence southwest to the northeast corner of Henry's addition, thence south on the east line of Henry's addition to the south line of the Ammon's tract, thence east on said line to the west line of Ghio's addition, thence south on said line and east line of Bush tract to Robidoux street, thence east on Robidoux street to the center of Ninth street, thence south on Ninth street to the north line of lot 8, block 19, Smith's addition, thence west on said line to the alley dividing block 19, Smith's addition, thence south on said alley to the center of Faraon street, thence west on Faraon to Eighth street, thence south on Eighth street to the north line of lot 7, block 17, Smith's addition, thence west on said north line of lot 7, block 17, Smith's addition, to the alley dividing block 17, Smith's addition, thence south on said alley to Jules street, thence west on Jules street to Seventh street, thence south on Seventh street to Francis street, thence west on Francis street to point of beginning. [R. O. 1897, Chap. 70, Sec. 44].

SEC. 1184. **Sewer district No. 23.**—There is hereby established in the city of St. Joseph, a sewer district to be known as sewer district No. 23, bounded as follows, to wit: Commencing at Ninth and Robidoux streets, thence west on Robidoux street to the east line of Bush tract, thence north along said east line of the Bush tract and west line of Ghio's addition to the south line of the Ammon's tract, thence west on said line to the east line of Henry's addition, thence north on the east line of Henry's addition to the south line of Hall street, thence northeast to the southeast corner of lot 1, block 3, County's addition, thence north on the east line of lots 1 and 2, block 3, County's addition to the north line of lot 2, block 3, County's addition, thence east on said line to the southwest corner of lot 8, block 26, St. Joseph Improvement addition, thence north on the west line of lots 8, 7 and 6, block 26, Improvement addition, to the center of alley dividing

block 26. Improvement addition, thence east on said alley to the center of Ninth street, thence north on Ninth street to the center of Corby street, thence east on Corby street to a point one hundred and forty-four feet east of the east line of Ninth street, thence north on the line dividing lots 20 and 21 and 6 and 7, block 14, Improvement addition, to the center of Powell street, thence east on Powell street to the center of Tenth street, thence north on Tenth street to the alley dividing block 10, Improvement addition, thence east through the alley dividing blocks 10 and 11, Improvement addition, and block 6, Rogers' Second addition, to the west line of Thirteenth street, thence northeast to the line dividing lots 5 and 6, block 5, Rogers' Second addition, thence east on said line to the west line of Mt. Mora cemetery, thence south on the west line of Mt. Mora cemetery to the south line of Mt. Mora cemetery, thence west on the north line of district No. 14 to the center of Thirteenth street, thence south on Thirteenth street to the center of Ridenbaugh street, thence west on Ridenbaugh street to the center of Twelfth street, thence south on Twelfth street to the center of Henry street, thence west on Henry street to a point one hundred and sixty-two feet west of the west line of Twelfth street, thence south on the line dividing lots 6 and 7, 22 and 23, block 28, Improvement addition, to the center of Church street, thence west on Church street to the center of Eleventh street, thence south on Eleventh street to the center of the alley dividing block 32, Improvement addition, thence west on said alley to the line dividing lots 12 and 13, in said block 32, thence south on said line to the center of Isidore street, thence west on center of Isidore street to a point one hundred and sixty-eight feet west of the west line of Eleventh street, thence south on a line parallel with the west line of Eleventh street to a point two hundred feet south of the south line of Isidore street, thence west and parallel with the south line of Isadore street to the center of Tenth street, thence south on Tenth street to the center of Robidoux street, thence west on Robidoux street to the center of Ninth street or point of beginning. [R. O. 1897, Chap. 70, Sec. 45].

Sec. 1185. **Sewer district No. 24.**—There is hereby established in the city of St. Joseph, a sewer district to be known as sewer district No. 24, bounded as follows, to wit: Commencing on Francis and Fifteenth streets, thence north on the center of

Fifteenth street to the center of Faraon street, thence east on Faraon street to the center of Sixteenth street, thence north on Sixteenth street to the center of Buchanan avenue, thence southwest on Buchanan avenue to the center of Thirteenth street, thence south on Thirteenth street to the center of Faraon street, thence west on Faraon street to the center of Twelfth street, thence south on Twelfth street to the center of Francis street, thence east on Francis street to the point of beginning. [R. O. 1897, Chap. 70, Sec. 46].

SEC. 1186. **Sewer district No. 25.**—There is hereby established in the city of St. Joseph, a sewer district to be known as sewer district No. 25, bounded as follows, to wit: Commencing at the alley between Third and Fourth on Franklin street, thence north on said alley to Isabelle street, thence east on Isabelle street to Sixth street, thence south on Sixth street to Lincoln street, thence east on Lincoln street to the alley running north and south through block 7, St. Joseph Improvement addition, thence south on said alley to the alley running east and west in same block, thence east on said alley and the alley in block 8, in said addition to Ninth street, thence south on Ninth street to Powell street, thence east on Powell street to the line dividing lots 6 and 7, 20 and 21, in block 14, in said Improvement addition, thence south on said line to Corby street, thence west on Corby street to Ninth street, thence south on Ninth street to the alley in block 26, in said Improvement addition, thence west on said alley to the west line of lots 6, 7 and 8, in said block 26, thence south on said line to the north line of lot 2, block 3, County's addition, thence west on said line to a point sixty feet east of the east line of Seventh street, thence north and east on the northerly boundary of sewer district No. 2, to the intersection of Fourth and Franklin streets, thence west on Franklin street to point of beginning. [R. O. 1897, Chap. 70, Sec. 47].

SEC. 1187. **Sewer district No. 26.**—The boundary line of sewer district No. 26 is hereby changed to the following boundaries: Commencing at the intersection of Frederick avenue and Mt. Mora road, thence north on Mt. Mora road to the south line of Mt. Mora cemetery, thence east on south line of cemetery to center of Seventeenth street, thence north on Seventeenth

street to center of Jones street, thence east on Jones street to center of Eighteenth street, thence south on Eighteenth street to center of Frederick avenue, thence westerly on Frederick avenue to center of Seventeenth street, thence south on Seventeenth street to alley dividing block 3, Landis and Hull's addition, thence west on said alley to center of Hull street, thence north on Hull street to center of Frederick avenue, thence westerly on Frederick avenue to point of beginning. [R. O. 1897, Chap. 70, Sec. 48].

SEC. 1188. **Sewer district No. 27.**—There is hereby established in the city of St. Joseph, a sewer district to be known as sewer district No. 27, bounded as follows, to wit: Commencing at the center of Sixteenth and Faraon streets, thence north on Sixteenth street to Buchanan avenue, thence southwest on Buchanan avenue to Landis street, thence north on Landis street to alley between Buchanan and Frederick avenues, thence northeasterly on said alley to Seventeenth street, thence south on Seventeenth street to Clay street, thence east on Clay street to the line dividing lots 5 and 6, in Hedenberg's First addition, thence south on said line and on lines dividing lots 10 and 22, 11 and 21, 16 and 17, in said addition to Mulberry street, thence west on Mulberry street to Twenty-first street, thence south on Twenty-first street to Faraon street, thence west on Faraon street to Twentieth street, thence south on Twentieth street to Francis street, thence west on Francis street to the center line of block 9 in Harris' addition, thence north on center line of said block 9 and center line of block 8 in said addition to Faraon street, thence west on Faraon street to point of beginning. [R. O. 1897, Chap. 70, Sec. 49].

SEC. 1189. **Sewer district No. 28.**—There is hereby established in the city of St. Joseph, a sewer district to be known as sewer district No. 28, bounded as follows, to wit: Commencing at the center of Eighth street and Mitchell avenue, thence north on Eighth street to Lafayette street, thence east on Lafayette street to Ninth street, thence south on Ninth street to Mitchell avenue, thence west on Mitchell avenue to point of beginning. [R. O. 1897, Chap. 70, Sec. 50].

SEC. 1190. **Sewer district No. 29.**—There is hereby established in the city of St. Joseph, a sewer district to be known as

sewer district No. 29, bounded as follows, to wit: Commencing at the center of Eighth and Lafayette streets, thence north on Eighth street to Olive street, thence east on Olive street to the line dividing lots 1 and 2, block 24, Patee's addition, thence south on the line between lots 1 and 2, 17 and 18, 19 and 20, on said line produced across lot 3 to the north line of lot 4, all in said block 24, thence west on the north line of lot 4 to the center of Thirteenth street, thence north on Thirteenth street to the center of Lafayette street, thence west on Lafayette street to Twelfth street, thence north on Twelfth street to the line dividing lots 2 and 3, block 23, Patee's addition, thence west on said line and the line dividing lots 2 and 3, block 22, Patee's addition, to Eleventh street, thence south on Eleventh street to Lafayette street, thence west on Lafayette street to the point of beginning. [R. O. 1897, Chap. 70, Sec. 51].

SEC. 1191. **Sewer district No. 30.**—There is hereby established in the city of St. Joseph, a sewer district to be known as sewer district No. 30, bounded as follows, to wit: Commencing at the center of Frederick avenue and Seventeenth street, thence northeast on Frederick avenue to Twenty-second street, thence south on Twenty-second street to Clay street, thence west on Clay street to Seventeenth street, thence northerly on Seventeenth street to point of beginning. [R. O. 1897, Chap. 70, Sec. 52].

SEC. 1192. **Sewer district No. 31.**—There is hereby established in the city of St. Joseph, a sewer district to be known as sewer district No. 31, bounded as follows, to wit: Beginning at the intersection of Frederick avenue and Twenty-second street, thence south on Twenty-second street to the south line of lot 26, block 13, St. Joseph Eastern Extension addition, thence east along said line to the alley through said block, thence north on said alley to the south line of lot 6, in said block, thence east along south line of lot 6, to Twenty-third street, thence north on Twenty-third street to Union street, thence east on Union street to alley between Twenty-fourth and Twenty-fifth streets, thence north along said alley to Jones street, thence west on Jones street to Frederick avenue, thence southwest along Frederick avenue to point of beginning. [R. O. 1897, Chap. 70, Sec. 53].

SEC. 1193. **Sewer district No. 32.**—There is hereby established in the city of St. Joseph, a sewer district to be known as sewer district No. 32, bounded as follows, to wit: Beginning at the intersection of Eighteenth street and Frederick avenue, thence north along Eighteenth street to Jones street, thence east along Jones street to west line of Highly's addition, thence northwesterly along said line to the alley through block 9, Highly's addition, thence east along said alley and the alley through block 4 of said addition, to west line of lot 10 of said block 4, thence north along said line to the center line of Highly street, thence east along the center line of Highly street to east line of lot 2, block 3, Highly's addition, thence south along said line and the east line of lot 27 in said block and the east line of lots 2 and 27, block 2, Highly's addition to Howard street, thence west on Howard street to Twentieth street, thence south on Twentieth street to Frederick avenue, thence southwest along Frederick avenue to beginning. [R. O. 1897, Chap. 70, Sec. 54].

SEC. 1194. **Sewer district No. 33.**—There is hereby established in the city of St. Joseph, a sewer district to be known as sewer district No. 33, bounded as follows, to wit: Commencing at the center of Sixth and Oak streets, thence west on the center line of Oak street to the bank of the Missouri river, thence northeasterly with said river bank to the center line of Hickory street, thence east on the center line of Hickory street to the center line of Sixth street, thence south on center line of Sixth street to center line of Oak street to the point of beginning. [R. O. 1897, Chap. 70, Sec. 55].

SEC. 1195. **Sewer district No. 34.**—There is hereby established in the city of St. Joseph, a sewer district to be known as sewer district No. 34, bounded as follows, to wit: Beginning at the intersection of Frederick avenue with Twentieth street from the north, thence northeasterly along the center line of Frederick avenue to the center line of Jones street, thence east along the center line of Jones street to the center line of Twenty-fifth street, thence north along the center line of Twenty-fifth street to the center line of the alley through block 1, St. Joseph Eastern Extension addition, thence east along the center line of said alley to the east line of said block 1, thence continuing east and parallel with Frederick avenue to a point due south from the intersection of Frederick avenue with Ashland avenue, thence north

to the intersection of said avenues, thence northeasterly along the center line of Ashland avenue to the center line of Folsom street, thence northwesterly along the center line of Folsom street to the center line of the first alley lying west of and parallel with Ashland avenue, thence west along the center line of Folsom street to the center line of Roberts avenue, thence north along the center line of Roberts avenue to the center line of the alley between Delaware and Folsom streets, thence west along the center line of said alley to the center line of the first alley east of and parallel with Twenty-sixth street, thence north along the center line of said alley to the center line of Delaware street, thence west along the center line of Delaware street to the east line of the west half of the southeast quarter of section 4, township 57, range 35, thence west and parallel with the south line of the west half of the southeast quarter of said section 4, a distance of five hundred and sixty feet, thence south and parallel with the east line of the west half of southeast quarter of said section 4, a distance of two hundred and seventy-six feet, thence west and parallel with the south line of the west half of southeast quarter of said section 4 to the center line of Twenty-second street, thence south along the center line of Twenty-second street to the center line of the alley through block 6, Carbry's addition, thence west along the center line of said alley to a point one hundred and sixty feet west of Twenty-second street, thence south and parallel with Twenty-second street to the center line of Beattie street, thence west along the center line of Beattie street to a point opposite the line separating lots 9 and 10, block 3, Carbry's addition, thence south along said line to the center line of the alley through block 3, Carbry's addition, thence west along the center line of said alley to a point opposite the line separating lots 28 and 29, block 3, Carbry's addition, thence south along said line to the center line of Highly street, thence west along the center line of Highly street to the line dividing lots 2 and 3, block 3, Highly's addition, thence south along said division line and the line dividing lots 26 and 27, of the same block, and the line dividing lots 2 and 3 and dividing lots 26 and 27, of block 2, Highly's addition, to the center line of Howard street, thence west along the center line of Howard street to the center line of Twentieth street, thence south along the center line of Twentieth street to the point of beginning. [R. O. 1897, Chap. 70, Sec. 56].

SEC. 1196. **Sewer district No. 35.**—There is hereby established in the city of St. Joseph a sewer district to be known as sewer district No. 35, bounded as follows, to wit: Commencing at the intersection of the center line of Seneca street and the center line of the alley dividing blocks 81 and 88, Patee's addition, thence north on center line of said alley to center line of Olive street, thence west on the center line of Olive street to the center line of Seventeenth street north, thence north on the center line of Seventeenth street to the center line of Messanie street, thence east on center line of Messanie street to center line of Eighteenth street south, thence south on center line of Eighteenth street to center line of east and west alley through block 1, Hall's Second addition, thence east on center line of said alley to center line of Nineteenth street, thence south on center line of Nineteenth street to center line of Olive street, thence east on center line of Olive street to center line of Patee avenue, thence southwest on center line of Patee avenue to center line of Seneca street, thence west on center line of Seneca street to center line of alley dividing blocks 81 and 88, Patee's addition, being the point of beginning. [R. O. 1897, Chap. 70, Sec. 57].

SEC. 1197. **Sewer district No. 36.**—There is hereby established in the city of St. Joseph a sewer district to be known as sewer district No. 36, bounded as follows, to wit: Commencing at the intersection of the center line of Messanie street with the center line of Nineteenth street, thence south on the center line of Nineteenth street to the center line of Olive street, thence east on the center line of Olive street to a point opposite the center line of block 8, Hall's Second addition, thence north on the center line of said block 8 produced to the center of the north line of lot 14, block 3, Hall's Second addition, thence east on the north line of said lot 14 to the center of lot 13 in same block, thence north on the center line of lots 13, 12, 11 and 10 of same block, to the north line of said lot 10, thence west on the north line of said lot 10 to the east line of Warsaw avenue, thence north on the east line of Warsaw avenue produced to the center line of Messanie street, thence west on the center line of Messanie street to the center line of Nineteenth street, the point of beginning. [R. O. 1897, Chap. 70, Sec. 58].

SEC. 1198. **Sewer district No. 37.**—There is hereby established in the city of St. Joseph a sewer district to be known as sewer district No. 37, bounded as follows, to wit: Beginning at the intersection of the center line of Fifteenth street with the center line of Locust street, thence northwest to the southeast corner of lot 14, block 6, Stewart's addition, thence west on the south line of said lot 14 to its southwest corner, thence north on the east line of the alley in block 6, Stewart's addition, to a point opposite the south line of lot 7, in block 6, just aforesaid, thence west on the south line of said lot 7 to the center line of Fourteenth street, thence north to a point opposite the south line of lot 12, block 7, Stewart's addition, thence west on the south line of said lot 12 to the center line of the alley in block 7, just aforesaid, thence north to the center line of Messanie street, thence west on the center line of Twelfth street, thence north to the center line of Angelique street, thence east to the center line of Fifteenth street, thence north to the center line of Sylvania street, thence east to the center line of the alley between Fifteenth and Sixteenth streets, thence north to the center line of Charles street, thence west to a point opposite the west line of lot 3, block 22, Carter's addition, thence north on the west line of lots 3, 4 and 5 of said block 22, to the north line of lot 5, thence east along its north line and the north line of lots 3 and 8, block 21, Carter's addition, to the center line of Seventeenth street, thence south to the center line of Sylvania street, thence east to the center line of Nineteenth street, thence south to the center line of the alley first south of Messanie street, thence west to the center line of Eighteenth street, thence north to the center line of Messanie street, thence west to the center line of Seventeenth street south, thence southwest to the southwest corner of Seventeenth street, thence west along the south line of Messanie street to the alley between Sixteenth and Seventeenth streets, thence northwest to the intersection of the center line of said alley with the center line of Messanie street, thence southwest to the southwest corner of said alley, thence west along the south line of Messanie street to Sixteenth street, thence northwest to the intersection of the center lines of Sixteenth and Messanie streets, thence southwest to the southwest corner of Sixteenth street, thence west on the south line of Messanie street to the alley between Fifteenth and Sixteenth streets, thence northwest to the intersection of the center line of said alley

with the center line of Messanie street, thence southwest to the southwest corner of said alley, thence west on the south line of Messanie street to the east line of Fifteenth street, thence south to the north line of Locust street, thence southwest to the point of beginning. [R. O. 1897, Chap. 70, Sec. 59].

SEC. 1199. **Sewer district No. 38.**—There is hereby established in the city of St. Joseph a sewer district to be known as sewer district No. 38, bounded as follows, to wit: Commencing at the intersection of the center line of Nineteenth street with the center line of Sylvania street, thence west on the center line of Sylvania street to a point opposite the center line of block 25, Harris' addition, thence north on the center line of blocks 25, 24, 17 and 16, Harris' addition, produced to the center line of Francis street, thence east on the center line of Francis street to a point opposite the center line of block 15, Harris' addition, thence south on the center line produced of blocks 15, 18 and 23, Harris' addition, to a point opposite the north line of lot 7, block 23, Harris' addition, thence east on the north line of said lot 7 produced to the center line of Twentieth street, thence south on the center line of Twentieth street to the center line of Messanie street, thence west on the center line of Messanie street to the center line of Nineteenth street, thence north on the center line of Nineteenth street to the center line of Sylvania street, the point of beginning. [R. O. 1897, Chap. 70, Sec. 60].

SEC. 1200. **Sewer district No. 39.**—There is hereby established in the city of St. Joseph a sewer district to be known as sewer district No. 39, bounded as follows, to wit: Commencing at the intersection of the center line of Seventeenth street with the center line of Sylvania street, thence north on the center line of Seventeenth street to a point opposite the north line of lot 5, block 19, Carter's addition, thence east on the north line produced of said lot 5 to the center line of north and south alley through block 19, Carter's addition, thence north on center line of said alley to center line of Felix street, thence east on center line of Felix street to a point opposite the west line of lot 7, block 13, Carter's addition, thence north on the west line produced of said lot 7 to the north line of east and west alley in block 13, Carter's addition, thence east along the south line of said alley produced to center line of Eighteenth street, thence north on center

line of Eighteenth street to a point opposite the north line of lot 3, block 16, Harris' addition, thence east on the north line produced of said lot 3 to the center line of block 16, Harris' addition, thence south on the center line of blocks 16, 17, 24 and 25, Harris' addition, produced to center line of Sylvania street, thence west on center line of Sylvania street to the center line of Seventeenth street, the point of beginning. [R. O. 1897, Chap. 70, Sec. 61].

SEC. 1201. **Sewer district No. 40.**—There is hereby established in the city of St. Joseph a sewer district to be known as sewer district No. 40, bounded as follows, to wit: Commencing at the intersection of the center line of Isabelle street with the center line of alley through block 55, Robidoux addition, thence west along the center line of Isabelle street to the center of Levee street, thence north along the center line of Levee street to the south line of St. Joseph Extension addition, thence westerly along the south line of said addition to center line of alley through blocks 1 and 8, addition last aforesaid, thence north along the center line of said alley to center line of Linn street, thence east along the center line of Linn street to the center line of Main street, thence south along the center line of Main street to the center line of Cherry street, thence east on the center line of Cherry street to the center line of the alley in block 4, St. Joseph Extension addition, and block 62, Robidoux addition, thence south along the center line of said alley to the center line of Isabelle street, the point of beginning. [R. O. 1897, Chap. 70, Sec. 62].

SEC. 1202. **Sewer district No. 41.**—There is hereby established in the city of St. Joseph a sewer district to be known as sewer district No. 41, bounded as follows, to wit: Commencing at the center of Louis street on the center line of Second street, thence north on Second street to the center line of Franklin street, thence east on Franklin street to the center line of Fourth street, thence south on Fourth street to the center line of Louis street, thence west on Louis street to the center line of Second street, the point of beginning. [R. O. 1897, Chap. 70, Sec. 63].

SEC. 1203. **Sewer district No. 42.**—There is hereby established in the city of St. Joseph a sewer district to be known as sewer district No. 42, bounded as follows, to wit: Commencing at the intersection of the center lines of Main and Antoine streets,

thence north on Main street to the center line of Franklin street, thence east on Franklin street to the center line of Second street, thence south on Second street to the center line of Antoine street, thence west on Antoine street to the center line of Main street, the point of beginning. [R. O. 1897, Chap. 70, Sec. 64].

SEC. 1204. **Sewer district No. 43.**—There is hereby established in the city of St. Joseph a sewer district to be known as sewer district No. 43, bounded as follows, to wit: Beginning at intersection of center lines of Short and Isabelle streets, thence north on center line of Short street to center line of Albemarle street, thence westerly on center line of Albemarle street to center line of Third street, thence north on center line of Third street to a point opposite the north line of lot 11, block 4, St. Joseph Extension addition, thence west on the north line of said lot 11 produced to center line of alley dividing said block 4, thence south on center line of said alley to north line of Robidoux addition, thence westerly on north line of Robidoux addition to center line of alley running north and south through blocks 62 and 55, Robidoux addition, thence south on the center line of said alley to the center line of Isabelle street, thence east on center line of Isabelle street to center line of Short street, the point of beginning. [R. O. 1897, Chap. 70, Sec. 65].

SEC. 1205. **Sewer district No. 44.**—There is hereby established in the city of St. Joseph a sewer district to be known as sewer district No. 44, bounded as follows, to wit: Commencing at the intersection of the center lines of Third and Linn streets, thence north on the center line of Third street to the center line of Highland avenue, thence west on the center line of Highland avenue to the center line of Second street, thence south on the center line of Second street to the center line of Linn street, thence east on the center line of Linn street to the center line of Third street to the point of beginning. [R. O. 1897, Chap. 70, Sec. 66].

SEC. 1206. **Sewer district No. 45.**—There is hereby established in the city of St. Joseph a sewer district to be known as sewer district No. 45, bounded as follows, to wit: Commencing at the intersection of the center lines of Third and Albemarle streets, thence north on center line of Third street to a point opposite the north line of lot 11, block 4, St. Joseph Extension addi-

tion, thence west on the north line of said lot 11, produced to the center line of the north and south alley dividing block 4 aforesaid, thence north on center line of said alley to center line of Cherry street, thence west on center line of Cherry street to center line of Main street, thence north on center line of Main street to center line of Linn street, thence east on center line of Linn street to center line of Middleton street, thence southeast on center line of Middleton street to the center line of Albemarle street, thence westerly on the center line of Albemarle street to the center line of Third street, the point of beginning. [R. O. 1897, Chap. 70, Sec. 67].

SEC. 1207. **Sewer district No. 46.**—There is hereby established in the city of St. Joseph a sewer district to be known as sewer district No. 46, bounded as follows, to wit: Beginning on the center line of Patee avenue opposite the dividing line between lots 3 and 4, block 90, Patee's addition, thence southeasterly with said dividing line to the center line of Lafayette street, thence east on Lafayette street to a point opposite the east line of Rost's addition, thence south on the east line of Rost's addition to the center of Seneca street, thence in a straight line to the intersection of the center lines of Twenty-sixth and Seneca streets, thence north on Twenty-sixth street to the center line of the alley between Olive and Lafayette streets, thence west on the center line of said alley to a point opposite the west line of lot 7, block 1, Hermann's addition, thence north on the west line of lot 7 produced to the center line of Olive street, thence west on the center line of Olive street to the center line of Twenty-fourth street, thence north on Twenty-fourth street to a point opposite the north line of lot 15, block 5, Hermann's addition, thence west on the north line of said lot 15 and the north line of lot 14, block 2, Hall's Third addition, produced to the center line of the north and south alley through block 2 of Hall's Third addition and block 5, Hermann's addition, thence along the center line of said alley to the north line of Hermann avenue, thence southwesterly along the north line of Hermann avenue to the center line of Twenty-second street, thence north on the center line of Twenty-second street to the center line of Patee avenue, thence southwest on the center line of Patee avenue to the point of beginning. [R. O. 1897, Chap. 70, Sec. 68].

SEC. 1208. **Sewer district No. 47.**—There is hereby established in the city of St. Joseph a sewer district to be known as sewer district No. 47, to be bounded as follows, to wit: Beginning at the intersection of the center lines of Twenty-sixth street and the alley between Lafayette and Olive streets, thence south on Twenty-sixth street to the center line of the alley between Seneca and Penn streets, thence east on said alley to the eastern limits of the city, thence north along said limits to the center line of the alley between Lafayette and Olive streets, thence west on said alley to the center line of Twenty-sixth street, the point of beginning. [R. O. 1897, Chap. 70, Sec. 69].

SEC. 1209. **Sewer district No. 48.**—There is hereby established in the city of St. Joseph a sewer district to be known as sewer district No. 48, bounded as follows, to wit: Beginning at the intersection of the center lines of Short and Isabelle streets, thence north on the center line of Short street to the center line of Albemarle street, thence east on the center line of Albemarle street to the center line of Middleton street, thence in a straight line to the southwest corner of lot 2, block 71, St. Joseph Extension addition, thence easterly along the north line of Albemarle street to the east line of Ninth street and continuing easterly along the same line produced to the east line of Tenth street, thence south on the east line of Tenth street to the south line of Lincoln street, thence west on the south line of Lincoln street to the east line of Ninth street, thence south on the east line of Ninth street to a point opposite the east and west alley through block 8, St. Joseph Improvement addition, thence west along said alley and the east and west alley, block 7, addition just aforesaid, to the north and south alley through said block 7, thence north on said alley to Lincoln street, thence east on Lincoln street to Sixth street, thence north on Sixth street to Isabelle street, thence west on Isabelle street to Short street, the point of beginning. [R. O. 1897, Chap. 70, Sec. 70].

SEC. 1210. **Sewer district No. 49.**—There is hereby established in the city of St. Joseph a sewer district to be known as sewer district No. 49, to be bounded as follows, to wit: Beginning at the east bank of the Missouri river on the center line of Jules street, thence east along the center line of Jules street to

the east line of Levee street, thence north along the east line of Levee street to the south line of Isidore street, thence east along the south line of Isidore street to the center line of Main street, thence north along the center line of Main street to the center line of Franklin street, thence west along the center line of Franklin street to the east line of Levee street, thence south along the east line of Levee street to the south line of lot 4, block 23, Robidoux addition, thence west and along the north line of lot 10, block 22, Robidoux addition, to the east line of the alley dividing said block 22, thence north along the east line of said alley to the center line of Michel street, thence west along the center line of Michel street to the center line of the alley between Water and Bellevue streets, thence south along the center line of said alley to the center line of Antoine street, thence east along the center line of Antoine street to the center line of Water street, thence south along the center line of Water street to the east bank of the Missouri river, thence southeasterly along the east bank of the Missouri river to the center line of Jules street, the point of beginning. [R. O. 1897, Chap. 70, Sec. 71].

SEC. 1211. **Sewer district No. 50.**—There is hereby established in the city of St. Joseph a sewer district to be known as sewer district No. 50, bounded as follows, to wit: Commencing at the intersection of Linn and Second streets, thence west along Linn street to the alley between Levee and Water streets, thence north along the alley between Water and Levee streets to St. Paul street, thence east along St. Paul street to the alley between Levee and Main streets, thence south along the alley between Levee and Main streets to Market street, thence east along Market street to Second street, thence south along Second street to Linn street, the point of beginning. [R. O. 1897, Chap. 70, Sec. 72].

SEC. 1212. **Sewer district No. 51.**—There is hereby established in the city of St. Joseph a sewer district to be known as sewer district No. 51, bounded as follows, to wit: Commencing at the intersection of Third and Middleton streets, thence north along Third street to Dolman street, thence east along Dolman street to Fourth street, thence south along Fourth street to the south line of St. Paul street, thence east along the south line of St. Paul street to Washington avenue, thence southeast along

Woodson street to the alley between Washington and Savannah avenues, thence northeast along said alley to Jefferson street, thence southeast along Jefferson street to Savannah avenue; thence northeast along Savannah avenue to a point half way between Jefferson and Fillmore streets, thence southeast along a line half way between Jefferson and Fillmore streets to Blacksnake creek, thence southerly along the meanderings of said creek to Middleton street, thence northwest along Middleton street to Third street, the point of beginning. [R. O. 1897, Chap. 70, Sec. 73].

SEC. 1213. Sewer district No. 52.—There is hereby established in the city of St. Joseph a sewer district to be known as sewer district No. 52, bounded as follows, to wit: Commencing at Blacksnake creek on the south line of block 1, Pinger's addition, thence east along said south line to the west line of lot 7, block 65, St. Joseph Extension addition, thence south along said line and the west line of lot 9, block 66, addition just aforesaid, to the middle of lot 9, thence east along the south line of the north half of lots 9 and 10, block last aforesaid, to the east line of lot 10, thence south along the east line of lot 10 to the center line of Woodson street, thence east along the center line of Woodson street to the west line of lot 24, block 67, St. Joseph Extension addition, thence south along the west line of lot 24 to the alley through said block, thence east along said alley to the west line of lot 19, in the same block, thence south along the west line of said lot 19 and the west line of lots 23 and 20, block 68, addition last aforesaid, to the center line of Pendleton street, thence east to the center line of Tenth street, thence south to the alley between Lincoln and Powell streets, thence east along said alley to the west line of Thirteenth street, thence in a straight line to the southwest corner of lot 6, block 5, Rogers' Second addition, thence east along the south line of said lot 6 to the east line of said addition, thence north along the east line of said addition to Highly street, thence west on Highly street to Thirteenth street, thence north on Thirteenth street to Heuschle avenue (or the east fork of Blacksnake creek), thence westerly on Heuschle avenue to Twelfth street, thence north on Twelfth street to Grand avenue, thence west along Grand avenue to Blacksnake creek, thence south along Blacksnake creek to the point of beginning. [R. O. 1897, Chap. 70, Sec. 74].

SEC. 1214. **Sewer district No. 53.**—There is hereby established in the city of St. Joseph a sewer district to be known as sewer district No. 53, to be bounded as follows, to wit: Beginning on the center line of Mitchell avenue at the east line of the alley between Eleventh and Twelfth streets, thence south on said alley to the center line of Monterey street, thence east on Monterey street to the west line of Thirteenth street, thence south along the west line of Thirteenth street to the line between lots 9 and 10, block 2, Goodlive's addition, thence east along said division line to the west line of Fourteenth street, thence south along Fourteenth street to the south line of lot 1, block 1, R. W. Donnell addition, thence east along said south line to the west line of lot 5 of same block and addition, thence south along the west line of said lot 5 to the south line of said lot, thence east along said south line to the center line of Sixteenth street, thence north along Sixteenth street to the north line of Duncan street, thence west along Duncan street to the east line of the north and south alley through block 55, Patee's addition, thence north along said alley to the center line of Sacramento street, thence east along Sacramento street to the center line of Sixteenth street, thence north along Sixteenth street to the center line of Mitchell avenue, thence west along Mitchell avenue to the alley between Eleventh and Twelfth streets, the point of beginning. [R. O. 1897, Chap. 70, Sec. 75].

SEC. 1215. **Sewer district No. 54.**—There is hereby established in the city of St. Joseph a sewer district to be known as sewer district No. 54, bounded as follows, to wit: Commencing on the south line of Mitchell avenue at the center line of Sixteenth street, thence east on the south line of Mitchell avenue to the west line of the alley between Sixteenth and Seventeenth streets, thence south on said west line to the line between lots 17 and 13, block 57, Patee's addition, thence east on said division line and the line between lots 5 and 6, and between lots 17 and 18, block 58, and between lots 5 and 6, block 59, Patee's addition, to the west line of the alley between Eighteenth and Nineteenth streets, thence south to the line between lots 19 and 20, of block 59, aforesaid, thence east on said division line to the west line of Nineteenth street, thence south on the west line of Nineteenth street to a point opposite the line dividing lots 1 and 2, of block 60, Patee's addition, thence east along said division line to the west line

of the alley between Nineteenth and Twentieth streets, thence south to the north line of Sacramento street, thence east to the west line of Twentieth street, thence south to the center line of Monterey street, thence east to a point one hundred and twenty feet east of Twentieth street, thence south and parallel with Twentieth street to the center line of Duncan street, thence west on Duncan street to the center line of Twentieth street, thence south on Twentieth street to the center line of Doniphan avenue, thence west along the center line of Doniphan avenue to a point one hundred and seventy feet west of the west line of Donnell Park addition, thence north one hundred and sixty feet, thence west and parallel with Duncan street eight hundred and ten feet, thence south two hundred and sixty-five feet, thence west to the center line of Sixteenth street, thence north along Sixteenth street to the north line of Duncan street, thence west along Duncan street to the east line of the north and south alley through block 55, Patee's addition, thence north along said alley to the center line of Sacramento street, thence east along Sacramento street to the center line of Sixteenth street, thence north along Sixteenth street to the south line of Mitchell avenue, the point of beginning. [R. O. 1897, Chap. 70, Sec. 76].

SEC. 1216. **Sewer district No. 55.**—There is hereby established in the city of St. Joseph a sewer district to be known as sewer district No. 55, bounded as follows, to wit: Commencing on the center line of Mitchell avenue at the west line of the alley through block 29, Patee's addition, thence north along the west line of said alley to the south line of Penn street, thence in a straight line to the southwest corner of lot 14, block 24, Patee's addition, thence north along the west line of lot 14 and of lots 9 and 8 of said block to the south line of lot 6, thence north on the center line of lots 6, 5, 4, 3, and the line between the lots 19 and 20 of said block 24, and farther north on the center line of lot 3 of Cowan's subdivision in said block 24 to the south line of Olive street, thence in a straight line across Olive street to the center of block 6, Patee's addition, thence along the center line of lot 10 of said block 6 to its north line, being the north line of lots 3, 2 and 1 of B. Patton's subdivision of said lot 10, thence east along said north line to the center line of Fourteenth street, thence in a straight line to the northwest corner of lot 9, block 4, Stewart's

addition, thence east along the south line of the alley running east and west through said block 4 to the center line of Fifteenth street, thence south to the center line of Olive street, thence east along the center line of Olive street to the center line of alley through blocks 88 and 81, Patee's addition, thence south along the center line of said alley to the center line of Seneca street, thence east along the center line of Seneca street to the center line of Patee avenue, thence southwest along the center line of Patee avenue to the center line of Penn street, thence west along the center line of Penn street to the east line of alley between Sixteenth and Seventeenth streets, thence south along the east line of said alley to the south line of lot 5, block 66, Patee's addition, thence west along the south line of said lot 5 to the east line of Sixteenth street, thence south to the south line of lot 4 of said block 66, thence west to the west line of Sixteenth street, thence south twenty-two and one-half feet, thence southwest in a straight line to the southwest corner of lot 13, block 67, Patee's addition, thence west to the southeast corner of lot 2, block 67, Patee's addition, thence southwest in a straight line to the southwest corner of lot 1 in said block, thence southwest to the center line of Mitchell avenue, thence westerly along the center line of Mitchell avenue to the west line of the alley through block 29, Patee's addition, being the place of beginning. [R. O. 1897, Chap. 70, Sec. 77].

SEC. 1217. **Sewer district No. 56.**—There is hereby established in the city of St. Joseph a sewer district to be known as sewer district No. 56, to be bounded as follows: Commencing on the center line of Mitchell avenue at the west line of the alley through block 29, Patee's addition, thence north on said west line of alley to the south line of Penn street, thence in a straight line to the southeast corner of lot 13, block 24, Patee's addition, thence along east line of said lot 13 and along the east line of lots 10 and 7 to the south line of lot 6, thence north along the center line of lots 6, 5 and 4 to the north line of lot 4, all in block 24, Patee's addition, thence west along the north line of said lot 4 to the center of Thirteenth street, thence north to center of Lafayette street, thence west on Lafayette street to Twelfth street, thence north on Twelfth street to the line dividing lots 2 and 3, block 23, Patee's addition, thence west on said line and

the line dividing lots 2 and 3, block 22, Patee's addition, to Eleventh street, thence south on Eleventh street to Lafayette street, thence west on Lafayette street to the center line of Ninth street, thence south on Ninth street to center line of Mitchell avenue, thence west on Mitchell avenue to point of beginning. [R. O. 1897, Chap. 70, Sec. 78].

SEC. 1218. **Sewer district No. 57.**—There is hereby established in the city of St. Joseph a sewer district to be known as sewer district No. 57, to be bounded as follows, to wit: Commencing on the center line of Franklin street at the center line of the alley between Third and Fourth streets, thence north on the center line of said alley to the center line of Isabelle street, thence west along the center line of Isabelle street to the center line of Levee street, thence south on the center line of Levee street to the center line of Franklin street, thence east on the center line of Franklin street to the center line of alley between Third and Fourth streets, the point of beginning. [R. O. 1897, Chap. 70, Sec. 79].

SEC. 1219. **Sewer district No. 58.**—There is hereby established in the city of St. Joseph a sewer district to be known as sewer district No. 58, bounded as follows, to wit: Beginning on the center line of Twenty-sixth street at the center line of the alley between Olive and Lafayette streets, thence west along the center line of said alley to a point opposite the west line of lot 7, block 1, Hermann's addition, thence north on the west line of said lot 7 produced to the center line of Olive street, thence west on the center line of Olive street to the center of Twenty-fourth street, thence north along the center line of Twenty-fourth street to a point opposite the south line of lot 14, block 5, Hermann's addition, thence west on the south line of said lot 14 and the south line of lot 13, block 2, Hall's Third addition, to the center line of the alley through said block 2 and through block 5, Hermann's addition, thence north along the center line of said alley to the north line of Hermann avenue, thence southwest along the north line of said avenue to the center line of Twenty-second street, thence north along the center line of Twenty-second street to the center line of Locust street, thence east along the center line of Locust street to the north line of the right-of-way of the St. Joseph and Des Moines railroad (now known as the C., B. & Q.

railroad), thence northeasterly with the north line of said right-of-way to the west line of the east half of the northeast quarter of section 16, township 57, range 35, thence north along said line to the center line of Messanie street, thence east along the center line of Messanie street to the east line of section 16, township 57, range 35, thence south along the east line of said section to the center line of the alley between Olive and Lafayette streets, thence west along the center line of said alley to the center line of Twenty-sixth street, the point of beginning. [R. O. 1897, Chap. 70, Sec. 80].

SEC. 1220. **Sewer district No. 59.**—There is hereby established in the city of St. Joseph a sewer district to be known as sewer district No. 59, bounded as follows, to wit: Beginning at the intersection of the center lines of Fifteenth and Locust streets, thence northwest to the southeast corner of lot 14, block 6, Stewart's addition, thence west on the south line of said lot to its southwest corner, being the east line of the alley through said block 6, thence north on the east line of said alley to a point opposite the north line of lot 8 of said block 6, thence west along said north of lot 8 to the center line of Fourteenth street, thence north to a point opposite the north line of lot 11, block 7, Stewart's addition, thence west along the south line of said lot 11 to the center line of the alley through block 7, Stewart's addition, thence south along the center line of said alley to the north line of lot 7, block 6, Patee's addition, thence in a straight line to the center of the south line of lot 9, block 6, Patee's addition, which is also the south line of lot 4, block 1, B. Patton's subdivision of said lot 9, thence east along the south line of lot 4, last aforesaid, to the center line of Fourteenth street, thence to the southeast corner of Fourteenth street and the east and west alley through block 4, Stewart's addition, thence east along the south line of said alley to the center line of Fifteenth street, thence south to the center line of Olive street, thence east to the center line of Seventeenth street north, thence north to the center line of Messanie street, thence southwest to the northeast corner of lot 26, block 1, Mayer's Third addition, thence west along the north line of said lot 26 to its northwest corner, thence northwest to the intersection of the center line of Messanie street with the center line of the alley through block 1, last aforesaid, thence

southwest to the northeast corner of lot 1, block 1, Mayer's Third addition, thence west on the north line of said lot 1 to its northwest corner, thence northwest to the intersection of the center lines of Sixteenth and Messanie streets, thence southwest to the northeast corner of lot 26, block 1, Stewart's addition, thence west along the north line of said lot 26 to its northwest corner, thence northwest to the intersection of the center line of Messanie street with the center line of the alley in block 1, Stewart's addition, thence southwest to the northeast corner of lot 1, block 1, Stewart's addition, thence west along the north line of said lot 1 to its northwest corner, being the west line of Fifteenth street, thence south to the north line of Locust street, thence southwest to the intersection of the center line of Fifteenth street and Locust street, the point of beginning. [R. O. 1897, Chap. 70, Sec. 81].

SEC. 1221. **Sewer district No. 60.**—There is hereby established in the city of St. Joseph a sewer district to be known as sewer district No. 60, to be bounded as follows, to wit: Beginning on the center line of Mitchell avenue opposite the east line of the alley between Elventh and Twelfth streets, thence south along the east line of said alley to a point opposite the south line of lot 1, block 30, South St. Joseph addition, thence west along the south line of said lot 1 and the south line of lots 14 and 1, block 19, lots 14 and 1, block 14, lots 14 and 1, block 3, and of lot 1, block 48, all in South St. Joseph addition, to the west line of block 48 of said addition, thence north on the west line of said block 48 and of blocks 47 and 46 in said addition to the center line of Mitchell avenue, thence easterly along center line of Mitchell avenue to the point of beginning. [R. O. 1897, Chap. 70, Sec. 82].

SEC. 1222. **Sewer district No. 61.**—There is hereby established in the city of St. Joseph, Buchanan county, Missouri, a sewer district to be known as sewer district No. sixty-one (61), which shall be bounded as follows, to wit: Beginning on the center line of Twenty-first street opposite the north line of the alley between Faraon and Mulberry streets, thence south on the center line of Twenty-first street to the center line of Faraon street, thence west on the center line of Faraon street to the center line of Twentieth street, thence south on the center line of Twentieth street to the center line of Francis street, thence west on the cen-

ter line of Francis street to the center line of block 15, Harris' addition, thence south on the center line of blocks 15, 18 and 23, Harris' addition, to a point opposite the south line of lot 6, block 23, Harris' addition, thence east on said line to the center line of Twentieth street, thence south on the center line of Twentieth street to the center line of Charles street, thence east on the center line of Charles street to a point opposite the east line of lot 14, block 39, Harris' addition, thence north on the east line of lots 14 and 9, block 39, and lots 14 and 9, block 38, Harris' addition, to the south line of Felix street, thence west on the south line of Felix street to a point opposite the east line of lot 7, block 37, Harris' addition, thence north on the east line of lot 7, block 37, Harris' addition, and the east line of lot 7, block 1, McDonald Place, to the north line of Francis street, thence west on the north line of Francis street to the east line of lot 18, block 3, McDonald Place, thence north on the said lot line to the north line of the alley between Francis and Jules streets, thence west on the north line of said alley to the east line of lot 2, block last aforesaid, thence north on the east line of said lot 2 to the south line of Jules street, thence northwesterly in a straight line to the center of the intersection of Twenty-second and Jules streets, thence northeasterly in a straight line to the southeast corner of lot 22, block 2, McDonald Place, thence north on the east line of said lot to its northeast corner, thence northwesterly in a straight line to the center line of Twenty-second street where intersected by the center line of the alley between Jules and Faraon streets produced from the east, thence northeasterly in a straight line to the southeast corner of lot 1, block last aforesaid, thence north on the east line of said lot to its northeast corner, thence northwesterly in a straight line to the center line of Twenty-second street where intersected by the center line of the alley between Faraon and Mulberry streets, thence northwesterly in a straight line to the west line of Twenty-second street where intersected by the north line of the alley last aforesaid, thence west along the north line of said alley to the east line of the alley between and parallel with

Twenty-first and Twenty-second streets, thence southwest to the point where the center line of the alley between and parallel with Faraon and Mulberry streets intersects the center line of the alley last aforesaid, thence northwesterly in a straight line to west line of the alley between Twenty-first and Twenty-second streets where intersected by the north line of the alley between Faraon and Mulberry streets, thence west to the north line of last named alley to the center line of Twenty-first street, the place of beginning. [G. O. No. 560, Sec. 1].

Sec. 1223. **Sewer district No. 62.**—There is hereby established in the city of St. Joseph, Missouri, a sewer district to be known as sewer district No. sixty-two (62), bounded as follows, to wit: Beginning at the center of the intersection of Twenty-second and Clay streets, thence north on Twenty-second street to the north line of lot 25, block 13, St. Joseph Eastern Extension addition, thence east on the north line of said lot 25 to the east line of the alley through block 13, thence south on the east line of said alley to the southwest corner of lot 7, block 21, St. Joseph Eastern Extension addition, thence due southwest to the south line of the alley lying north of block 1, McDonald place, thence west on the south line of said alley to the northeast corner of lot 1, block and addition last aforesaid, thence northwesterly to the center of the intersection of Twenty-second street with the alley lying between Faraon and Mulberry streets, thence northwesterly to the southeast corner of lot 6, block 2, Marney place, thence west on the south line of said lot 6 to its southwest corner, thence southwest to the center of the intersection of the alley lying between Faraon and Mulberry streets with the alley lying between Twenty-first and Twenty-second streets, thence northwest to the southeast corner of lot 5, block 2, Marney Place, thence west on the south line of said lot to the center of Twenty-first street, thence north to the center line of Mulberry street, thence east to the west line of lot 16, Hedenberg's (First) addition, thence north on the west line of said lot 16 to the alley north of Mulberry street, thence east to the west line of lot 11, Hedenberg's (First) addition, thence north on the west line of said lot 11 and of lot 10, in the same addition, to the alley south of Clay street, thence east to the west line of lot 6, addition last aforesaid, thence north on the west line of said lot 6 to the center line of Clay

street, thence east to the point of beginning. [G. O. No. 561, Sec. 1].

SEC. 1224. **Sewer district No. 63.**—There is hereby established in the city of St. Joseph, Buchanan county, Missouri, a sewer district to be known as sewer district No. 63, bounded as follows, to wit: Beginning at the center line of Patee avenue opposite the dividing line between lots 3 and 4, block 90, Patee's addition, thence southwest along the center line of Patee avenue to the center line of Penn street, thence west along the center line of Penn street to the east line of the alley between Sixteenth and Seventeenth streets, thence south along the east line of said alley to the south line of lot 5, block 66, Patee's addition, thence west along the south line of said lot 5 to the east line of Sixteenth street, thence south to the south line of lot 4 of said block 66, thence west to the west line of Sixteenth street, thence south $22\frac{1}{2}$ feet, thence southwest in a straight line to the southwest corner of lot 13, block 67, Patee's addition, thence west to the southeast corner of lot 2, block 67, Patee's addition, thence southwest in a straight line to the southwest corner of lot 1, in said block, thence southwest to the center line of Mitchell avenue, thence east along the center line of Mitchell avenue to the center line of Sixteenth street, thence south to the south line of Mitchell avenue, thence east in the south line of Mitchell avenue to the west line of the alley between Sixteenth and Seventeenth streets, thence south in said west line to the line between lots 17 and 18, block 57, Patee addition, thence east in said division line and the line between lots 5 and 6, and between lots 17 and 18, block 58, and between lots 5 and 6, block 59, Patee addition, to the west line of the alley between Eighteenth and Nineteenth streets, thence south to the line between lots 19 and 20 of block 59 aforesaid, thence east in said division line to the west line of Nineteenth street, thence south in the west line of Nineteenth street to a point opposite the line dividing lots 1 and 2, of block 60, Patee addition, thence east along said division line to the west line of the alley between Nineteenth and Twentieth streets, thence south to the north line of Sacramento street, thence east to the west line of Twentieth street, thence south to the center line of Monterey street, thence east to a point one hundred and twenty feet east of the east line of Twentieth street, thence north one hundred and twenty feet east of and parallel to the east line of Twentieth street to the center line of

Mitchell avenue, thence west fifteen feet, thence north to the line between lots 4 and 5, Evergreen addition, to the north line of the alley between Mitchell avenue and Penn street, thence west along the north line of said alley to the east line of Twentieth street, thence north along the east line of Twentieth street to the north line of Penn street, thence west along the north line of Penn street to the east line of Twentieth street north from Penn street, thence north along the east line of Twentieth street to the north line of Lafayette street, thence west to the southeast corner of block 90, thence northwest between lots 4 and 5, block 90, Patee addition, to place of beginning. [G. O. No. 578, Sec. 1].

SEC. 1225. **Sewer district No. 64.**—There is hereby established in the city of St. Joseph, Mo., a sewer district to be known as sewer district No. 64, bounded as follows: Commencing at the intersection of the center line of Ninth street and the center line of Pacific street, thence west on the center line of Pacific street to the center of Sixth street, thence south on the center line of Sixth street to a point opposite the south line of Hedenberg's (2nd) addition, thence east along the center line of Hedenberg's (2nd) addition to the east line of the alley in block 2, Hedenberg's (2nd) addition, thence north along the east line of said alley to the north line of lot 1, block 1, the Noble tract, thence east along the north line of said lot 1, Noble tract, to the center line of Ninth street, thence north along the center line of Ninth street to the point of beginning. [G. O. No. 582, Sec. 1].

SEC. 1226. **Sewer district No. 65.**—There is hereby established in the city of St. Joseph, Buchanan county, Missouri, a sewer district to be known as sewer district No. 65, bounded as follows, to wit: Commencing at the southeast corner of sewer district No. 31, thence east along the south line of Union street to the east boundary of the St. Joseph Extension addition, thence north along the east boundary of the St. Joseph Extension addition to the center of Jones street, thence west along the center line of Jones street to a point opposite the east line of lot 14, block 1, St. Joseph Extension addition, thence north on the line between lots 13 and 14, in block 1, St. Joseph Extension addition, to the center line of the alley in said block 1, thence west along the center line of said alley to the center of Twenty-fifth street, thence south along the center line of Twenty-fifth street to the center of

Jones street, thence west along the center line of Jones street to the center line of the alley between Twenty-fourth and Twenty-fifth streets, thence south in said alley to the point of beginning. [G. O. No. 595, Sec. 1].

SEC. 1227. **Sewer district No. 66.**—There is hereby established in the city of St. Joseph, county of Buchanan, state of Missouri, a sewer district to be known as sewer district No. 66, bounded and described as follows, to wit: Beginning at the intersection of the north line of Poulin street with the center line of Levee street, thence north along the center line of Levee street to the north line of Robidoux addition, thence west along the north line of Robidoux addition to the west line of Water street, thence west along the north line of Western addition to the west line of block 2 of the Western addition, thence south on a line with the west line of block 2 of the Western addition, to the south line of Rosine street, thence west along the south line of Rosine street to the east line of Elwood street, thence south along the east line of Elwood street to the southwest corner of lot 4, block 9, Bellevue addition, thence west along the south line of lot 9, block 22, Bellevue addition, to the west line of the alley between Elwood and Belmont streets, thence south along the west line of said alley to the north line of Poulin street, thence east along the north line of Poulin street to the point of beginning. [G. O. No. 596, Sec. 1].

SEC. 1228. **Sewer district No. 67.**—There is hereby established in the city of St. Joseph, county of Buchanan, and state of Missouri, a sewer district to be known as sewer district No. sixty-seven (67), bounded and described as follows, to wit: Beginning at the southwest corner of Pinger's addition, thence northerly along the west line of Pinger's addition to the center line of Grand avenue, thence easterly along the center line of Grand avenue to the center line of Tenth street, thence north along the center line of Tenth street, and its prolongation north to the east and west center line of section five (5), township fifty-seven (57), range thirty-five (35), thence west along the center line of said section five (5), to the center line of Second street, thence south along the center line of Second street to the center line of Highland avenue, thence east along the center line of Highland avenue to the center line of Third street, thence south along the cen-

ter line of Third street to the center line of Dolman street, thence east on Dolman street to the center line of Fourth street, thence south along the center line of Fourth street to the south line of St. Paul street, thence east along the south line of St. Paul street to Washington avenue, thence southeast along Woodson street to the alley between Washington and Savannah avenues, thence northeast along said alley to Jefferson street, thence southeast along Jefferson street to Savannah avenue, thence northeast along Savannah avenue to a point half way between Jefferson and Fillmore streets, thence southeast along a line half way between Jefferson and Fillmore streets to the east line of block 48, St. Joseph Extension addition, thence northerly along the east line of block 48, St. Joseph Extension addition to the point of beginning. [G. O. No. 638, Sec. 1].

SEC. 1229. **Sewer district No. 68.**—There is hereby established a sewer district to be known as sewer district No. 68, bounded as follows: Beginning at the southwest (S. W.) corner of lot 1, block 8, The South St. Joseph Town Co.'s Second addition, thence northerly along the westerly line of lot 1, block 8, and lot 20, block 1, The South St. Joseph Town Co.'s Second addition, to the south line of Cherokee street; thence east along the south line of Cherokee street to the southerly line of the alley in block 1, The South St. Joseph Town Co.'s Second addition, thence easterly along the southerly line of said alley to the west line of Lake avenue, thence easterly to the intersection of the east line of Lake avenue with the center line of the alley in blocks 2, 3 and 4, The South St. Joseph Town Co.'s Second addition, thence east along the center line of said alley to the west line of King Hill avenue, thence easterly to the southwest (S. W.) corner of lot 5, block 1, King Hill Heights, thence east along the south line of lot 5, block 1, lot 3, block 2, and lot 3, block 3, King Hill Heights to the southeast (S. E.) corner of said lot 3, thence north to the northeast (N. E.) corner of lot 1, block 3, King Hill Heights, thence east along the south line of Cherokee street and its prolongation east to a point four hundred and fifty (450) feet east of the east line of Morris avenue, thence northerly to the southwest (S. W.) corner of lot 29, block 9, Widman's addition, thence northerly along the west line of lots 29 and 20, block 9, and lot 27, block 6, Widman's addition and its prolongation north to the

center line of the east and west alley in block 6, Widman's addition, thence westerly to the southeast (S. E.) corner of lot 5, block 6, Widman's addition, thence westerly along the southerly line of said lot 5, to the easterly line of King Hill avenue, thence westerly to the southeast (S. E.) corner of lot 19, block 8, St. George, thence westerly along the southerly line of said lot 19, to the southwest (S. W.) corner of said lot, thence westerly to the intersection of the center line of the east and west alley in blocks 7 and 8, St. George, and south alley in block 8, St. George, thence westerly along the center line of the east and west alley in blocks 7 and 8, St. George, and the west line of the north and its prolongation westerly to a point twenty-five (25) feet westerly of the east line of the Chicago, Rock Island and Pacific Railway Co.'s easterly right of way line, thence southerly twenty-five (25) feet westerly from the parallel to said right of way line to a point opposite the northerly line of the alley in block 8, The South St. Joseph Town Co.'s Second addition, thence easterly to the point of beginning. [G. O. No. 647, Sec. 1].

SEC. 1230. **Sewer district No. 69.**—There is hereby established in the city of St. Joseph, county of Buchanan and state of Missouri, a sewer district to be known as No. 69, bounded and described as follows, to wit: Beginning at the intersection of the C., R. I. & P. Ry. Co.'s east right of way line with the center line of Pacific street, thence east along the center line of Pacific street to the west line of Fourteenth street, thence north along the west line of Fourteenth street to the line dividing lots 9 and 10, block 2, Goodlive's addition, thence west on the line dividing said lots 9 and 10, Goodlive's addition, to the west line of Thirteenth street, thence north along the west line of Thirteenth street to the center line of Monterey street, thence west along the center line of Monterey street to the east line of the alley between Eleventh and Twelfth streets, thence north along the east line of said alley to a point opposite the south line of lot 1, block 30, South St. Joseph addition, thence west along the south line of lot 1, block 30, lots 1 and 14, block 19, lots 1 and 14, block 14, lots 1 and 14, block 3, and lot 1, block 48, to the C., R. I. & P. Ry. Co.'s east right of way line, thence south along said right of way line to the point of beginning. [G. O. No. 658, Sec. 1].

SEC. 1231. **Sewer district No. 70.**—There is hereby established in the city of St. Joseph, county of Buchanan and state of Missouri, a sewer district to be known as sewer district No. 70, bounded as follows, to wit. Beginning on the west line of Lake avenue at the south line of the alley between Cherokee street and Illinois avenue, thence easterly to the east line of Lake avenue at the center line of the alley between Cherokee street and Illinois avenue, thence east along the center line of said alley to the west line of King Hill avenue, thence along the west line of King Hill avenue to the north line of the alley between Illinois avenue and Indiana avenue, thence west along the north line of said alley to the east line of Lake avenue, thence westerly across Lake avenue to its west line at the north line of the alley between Illinois avenue and Indiana avenue, thence northeasterly along the north line of Lake avenue to the point of beginning. [G. O. No. 661, Sec. 1].

SEC. 1232. **Sewer district No. 71.**—There is hereby established in the city of St. Joseph, county of Buchanan and state of Missouri, a sewer district to be known as sewer district No. 71 bounded as follows: Beginning at the intersection of the center line of Twenty-sixth street and the center line of the alley between Seneca and Penn streets, thence east in said alley to the center of Twenty-eighth street, thence south along the center line of Twenty-eighth street to the center line of Mitchell avenue, thence west along the center line of Mitchell avenue to the center of Twenty-sixth street, thence north along the center line of Twenty-sixth street to the point of beginning. [G. O. No. 666, Sec. 1].

SEC. 1233. **Sewer district No. 72.**—There is hereby established in the city of St. Joseph, Buchanan county, Missouri, a sewer district to be known as sewer district No. 72, bounded as follows: Commencing at the intersection of Twentieth and Charles street, thence east in the center of Charles street to a point opposite the division line between lots 9 and 10, block 40, Harris' addition, thence south between lots 9 and 10, 13 and 14, in said block 40, to the center of Sylvania street, thence east in the center of Sylvania street to a point between lots 35 and 36, block 5, Villa Rosa addition, thence south between lots 35 and 36 and 16 and 17, block 5, Villa Rosa addition, to the center of Angelique

street, thence east in the center of Angelique street to a point opposite the division line between lots 32 and 33, block 6, Villa Rosa addition, thence south between lots 32 and 33, 20 and 21, block 6, to the center of Messanie street, thence east in the center of Messanie street to the intersection of Twenty-fourth and Messanie streets, thence south in the center of Twenty-fourth street to the intersection of Twenty-fourth and Locust streets, thence west in the center of Locust street to the center of Twenty-second street: thence south in the center of Twenty-second street to the center of Patee avenue, thence southwest in Patee avenue to the center of Olive street, thence west in Olive street to a point opposite the center line of block 8, Hall's Second addition, thence north on the center line of said block 8, produced to the center of the north line of lot 14, block 3, Hall's Second addition, thence east on the north line of said lot 14, to the center of lot 13, in same block, thence north on the center line of lots 13, 12, 11 and 10, of the same block to the north line of said lot 10, thence west on the north line of said lot 10 to the east line of Warsaw avenue, thence north on the east line of Warsaw avenue produced to the center of Messanie street, thence east in the center of Messanie street to the center of Twentieth street, thence north in the center of Twentieth street to the center of Charles street, the place of beginning. [G. O. No. 730, Sec. 1].

SEC. 1234. **Sewer district No. 73.**—There is hereby established in the city of St. Joseph, county of Buchanan and state of Missouri, a sewer district to be known as sewer district No. seventy-three (73), bounded and described as follows, to wit: Beginning at the intersection of the north line of Poulin street with the center line of Dewey avenue, thence west along the north line of Poulin street to the center line of Elwood street, thence south along the center line of Elwood street to a point opposite the north line of lot 2, block 12, Bellevue addition, thence east along the north line of lot 2, block 12, Bellevue addition, to the center line of the alley between Elwood and Bellevue streets, thence south along the center line of said alley to the center line of Franklin street, thence east along the center line of Franklin street to the center line of Bellevue street, thence south along the center line of Bellevue street to the center line of Michel street, thence east along the center line of Michel street to the point

opposite the east line of the alley between Water street and Dewey avenue, thence along the east line of said alley to the north line of lot 10, block 22, Robidoux addition, thence east along the north line of lot 10, block 22, Robidoux addition and its prolongation east to the southwest corner of lot 4, block 23, Robidoux addition, thence north along the east line of Dewey avenue to the center line of Franklin street, thence west along the center line of Franklin street to the center line of Dewey avenue, thence north along the center line of Dewey avenue to the point of beginning. [G. O. No. 678, Sec. 1].

SEC. 1235. **Sewer district No. 74.**—There is hereby established in the city of St. Joseph, county of Buchanan and state of Missouri, a sewer district to be known as sewer district No. 74, bounded and described as follows, to wit: Beginning at the west line of Fourteenth street at the center line of Pacific street, thence west along the center line of Pacific street to the center line of Ninth street, thence south along the center line of Ninth street to the south line of South St. Joseph addition, thence east along the south line of South St. Joseph addition to the west line of Fourteenth street, thence north along the west line of Fourteenth street to the point of beginning. [G. O. No. 680, Sec. 1].

SEC. 1236. **Sewer district No. 75.**—There is hereby established in the city of St. Joseph, a sewer district to be known as sewer district No. 75, to be bounded as follows, to wit: Beginning at the northwest corner of lot 20, block 1, South St. Joseph Town Company's Second addition, thence southwesterly along the west line of blocks 1 and 8, of said addition, to the south line of Illinois avenue, thence northwesterly on the south line of said avenue produced thirty feet, thence south in a true line to the southwest corner of lot 1, block 8, of said addition, thence southwesterly along the south line of lots 1 to 14 of said block 8 to west line of Lake avenue, thence northeasterly along the west line of Lake avenue to the northeast corner of lot 7, block 1, addition aforesaid, thence northwesterly along the north line of lots 7 to 16, of said block 1, to the south line of Cherokee street, thence west to the place of beginning. [G. O. No. 685, Sec. 1].

SEC. 1237. **Sewer district No. 76.**—There is hereby established in the city of St. Joseph, county of Buchanan, state of Mis-

souri, a sewer district to be known as sewer district No. 76, bounded as follows: Commencing at the northeast corner of the southeast quarter of section 32, township 58, range 35, thence west on one-quarter section line to the west line of Krug Park, thence south along the west line of Krug Park to the southwest corner thereof, thence east parallel with the north line of said quarter section to the east line of said section 32, thence north along the east line of said section 32 to the place of beginning. [G. O. No. 727, Sec. 1].

SEC. 1238. **Sewer district No. 77.**—There is hereby established in the city of St. Joseph, Buchanan county, Missouri, a sewer district to be known as sewer district No. 77, bounded as follows, to wit: Commencing at the center of Union street at the alley between Twenty-fourth and Twenty-fifth streets, thence west in Union street to Twenty-third street, thence south in Twenty-third street to the south line of lot 6, block 13, St. Joseph Eastern Extension addition, thence west along the south line of said lot 6 to the alley in block 13, thence south in said alley to the south line of lot 11, thence east to the east line of said alley, thence south along the east line of said alley to the southwest corner of lot 7, block 21, St. Joseph Eastern Extension addition, thence due southwest to the south line of the alley north of Faraon street, thence east along the south line of said alley to the east line of Eastern Extension addition, thence north along the east line of said Eastern addition to the center of Mulberry street, thence west in the center of Mulberry street to the center of Twenty-fifth street, thence north in the center of Twenty-fifth street to a point opposite the division line between lots 9 and 10, block 18, St. Joseph Eastern Extension addition, thence west between said lots 9 and 10 to the center of alley in block 18, thence north in the alley in blocks 18 and 15 to the place of beginning. [G. O. No. 776, Sec. 1].

SEC. 1239. **Sewer district No. 78.**—There is hereby established in the city of St. Joseph, Buchanan county, Missouri, a sewer district to be known as sewer district No. 78, bounded as follows, to wit: Commencing at the south line of Felix street at the northeast corner of lot 9, block 38, Harris' addition, thence west on the south line of Felix street to a point opposite the east

line of lot 7, block 37, Harris' addition, thence north on the east line of lot 7, block 37, Harris' addition, and the east line of lot 7, block 4, McDonald Place, to the north line of Francis street thence west on the north line of Francis street to the east line of lot 18, block 3, McDonald Place, thence north on said lot line to the north line of the alley between Jules and Francis streets, thence west on the north line of said alley to the east line of lot 2, block last aforesaid, thence north on the east line of said lot 2 to the south line of Jules street, thence northwesterly in a straight line to the center of the intersection of Twenty-second and Jules streets, thence northeasterly in a straight line to the southeast corner of lot 22, block 2, McDonald Place, thence north on the east line of said lot to its northeast corner, thence northwesterly in a straight line to the center line of Twenty-second street where intersected by the center line of the alley between Jules and Faraon streets produced from the east, thence northeasterly in a straight line to the southeast corner of lot 1, block last aforesaid, thence north along the east line of said lot to its northeast corner, thence northwesterly in a straight line to the center line of Twenty-second street where intersected by the center line of Faraon street produced from the east, thence northeasterly to the southeast corner of lot 1, block 1, McDonald Place, thence north along the east line of said lot 1, block 1, to its northeast corner, thence east along the south line of alley north of and parallel with Faraon street to the northeast corner of lot 4, block 52, Eastern Extension addition, thence south between lots 4 and 5, block 52, and lots 4 and 5, block 57, thence east in the alley in block 57 to the east line of lot 14, thence south along the east line of lot 14, block 57, and lot 5, block 60, to the south line of the alley in block 60, thence west along the south line of said alley in blocks 60, 59 and 30, Eastern Extension addition, to the center of Twenty-fourth street, thence south in the center of Twenty-fourth street to the center of Felix street, thence west in the center of Felix street to a point opposite the east line of lot 9, block 38, Harris' addition thence south to the south line of Felix street to the place of beginning. [G. O. No. 774, Sec. 1].

SEC. 1240. **Sewer district No. 79.**—There is hereby established in the city of St. Joseph, Buchanan county, Missouri, a sewer district to be known as sewer district No. 79, bounded as

follows, to wit: Beginning at the south line of the alley between Jules and Francis streets at the east line of Twenty-sixth street, thence west along the south line of said alley to the center of Twenty-fourth street, thence south in the center of Twenty-fourth street to the center of Felix street, thence east in the center of Felix street to the center of Twenty-fifth street, thence south in the center of Twenty-fifth street to the north line of the alley between Edmond and Charles streets, thence east along the north line of said alley to the east line of Twenty-sixth street, thence north along the east line of Twenty-sixth street to the place of beginning. [G. O. No. 777, Sec. 1].

SEC. 1241. **Sewer district No. 80.**—There is hereby established in the city of St. Joseph, Buchanan County, Missouri, a sewer district to be known as sewer district No. 80, bounded as follows, to wit: Commencing at the north line of the alley between Charles and Edmond streets at the center of Twenty-sixth street, thence west along the north line of said alley to the center of Twenty-fifth street, thence north in the center of Twenty-fifth street to the center of Felix street, thence west in the center of Felix street to a point opposite the east line of lot 9, block 38, Harris' addition, thence south along the east line of lots 9 and 14, block 38, lots 9 and 14, block 39, lots 9 and 14, block 40, all in Harris' addition to the center of Sylvania street, thence east in the center of Sylvania street to the center of Twenty-sixth street, thence north in the center of Twenty-sixth street to the place of beginning. [G. O. No. 775, Sec. 1].

SEC. 1242. **Sewer district No. 81.**—There is hereby established in the city of St. Joseph, Buchanan county, Missouri, a sewer district to be known as sewer district No. 81, bounded as follows, to wit: Commencing at the center of Twenty-sixth and Sylvania streets, thence west in the center of Sylvania street to a point opposite the division line between lots 35 and 36 and 16 and 17, block 5, Villa Rosa addition, to the center of Angelique street, thence east in Angelique street to the division line between lots 32 and 33, block 6, Villa Rosa addition, thence south between lots 32 and 33 and lots 20 and 21, block 6, Villa Rosa addition to the center of Messanie street, thence east in Messanie street to the center of Twenty-fourth street, thence south in the center of

Twenty-fourth street to the center of Locust street, thence east in the center of Locust street to the north line of the Chicago, Burlington & Quincy Railroad right of way, thence northeasterly along the north line of said right of way to the east line of Twenty-sixth street south from Messanie street, thence north along said east line of Twenty-sixth street to the center of Messanie street, thence east in the center of Messanie street to the center of Twenty-sixth street north from Messanie street, thence north in the center of Twenty-sixth street to the place of beginning. [G. O. No. 773, Sec. 1].

SEC. 1243. **Sewer district No. 82.**—There is hereby established in the city of St. Joseph, Buchanan county, Missouri, a sewer district to be known as sewer district No. 82, bounded as follows, to wit: Commencing at the center of Sixth street at the intersection of Seneca street, thence west in Seneca street to a point opposite the west line of lot 9, block 2, St. Joseph Garden addition, thence south on the division line between lots 9 and 10, and lots 1 and 2, block 2, St. Joseph Garden addition, to the center of Mitchell avenue, thence west in Mitchell avenue to a point opposite the center of the alley in block 60, South St. Joseph addition, thence south in the center of said alley in block 60, and alley between blocks 2 and 3, Hay's Railroad addition, to the south line of Hay's Railroad addition, thence east along the south line of Hay's Railroad addition and Durfee & Bartlett's addition, to the center of Sixth street, thence north in the center of Sixth street to the place of beginning. [G. O. No. 788, Sec. 1].

SEC. 1244. **Sewer district No. 83.**—There is hereby established in the city of St. Joseph, Buchanan county, Missouri, a sewer district to be known as sewer district No. 83, said district being bounded as follows, to wit: Commencing at a point on the center line of Sixth street at its intersection with the south line of Durfee & Bartlett's addition, thence west along the south line of Durfee & Bartlett's addition and Hay's Railroad addition, to the bank of the Missouri river, thence south along the bank of the Missouri river to the center of Jackson street, thence east along the center of Jackson street to the center line of Sixth street, thence north along the center line of Sixth street, to the place of beginning. [G. O. No. 858, Sec. 1].

SEC. 1245. **Sewer district No. 84.**—There is hereby established in the city of St. Joseph, Buchanan county, Missouri, a sewer district to be known as sewer district No. 84, said district being bounded as follows, to wit: Commencing at a point on the center line of Sixth street at its intersection with the center line of Jackson street, thence west along the center of Jackson street to the bank of the Missouri river, thence southwesterly along the bank of the Missouri river to the center of Hickory street, thence east along the center of Hickory street to the center of Sixth street, thence north along the center of Sixth street to the place of beginning. [G. O. No. 859, Sec. 1].

SEC. 1246. **Sewer district No. 85.**—There is hereby established in the city of St. Joseph, Buchanan county, Missouri, a sewer district to be known as sewer district No. 85, said district being bounded as follows, to wit: Commencing at a point on the center line of Sixth street at its intersection with the center line of Oak street, thence west along the center of Oak street to the bank of the Missouri river, thence southwesterly along the bank of the Missouri river to the center line of Atchison street, thence east along the center of Atchison street to the center of Sixth street, thence north along the center of Sixth street to the place of beginning. [G. O. No. 860, Sec. 1].

CHAPTER LII.

TREES—SHADE AND ORNAMENTAL.

SECTION

1247. Trees, how planted.
1248. City engineer may replant,
etc.
1249. Trees not allowed to obstruct
lamps.

SECTION

1250. Animal injuring tree, owner
liable.
1251. Prohibiting planting box elder
trees.

SEC. 1247. Trees, how planted.—All shade and ornamental trees shall be planted one foot inside of the outer line of the sidewalk, as defined and established by the laws and ordinances relating to sidewalks; and if any person shall plant trees on the sidewalks in the city in any other manner than as in this section provided, he shall be deemed guilty of a misdemeanor. [G. O. No. 710, Sec. 1].

SEC. 1248. City engineer may replant, etc.—If any trees shall have been planted within or without the line established in the first section, or shall hereafter be planted in violation of this ordinance, the city engineer shall have power at his discretion to cause the same to be taken up and properly set out. Provided, that in no case shall such discretion be exercised unless such trees form a material obstruction to the street or sidewalk, nor unless the season shall be favorable for transplanting the same. [G. O. No. 710, Sec. 1].

SEC. 1249. Trees not allowed to obstruct lamps.—If any trees shall be allowed by the owner or occupant of the premises to grow in such a manner as to obstruct the reflection of any public lamp, it shall be the duty of the city engineer to notify the owner or occupant of the premises forthwith to trim the same in the manner to be specified in the notice; and if any such person so notified shall refuse or neglect to comply with the requirements of such notice, it shall be the duty of the city engineer to cause such trees to be trimmed, and the person so refusing or neglecting to comply with said notice shall be deemed guilty of a misdemeanor. [G. O. No. 710, Sec. 1].

SEC. 1250. **Animal injuring tree—owner liable.**—Should any tree or trees be injured or damaged in any way by any person or persons, horses or cattle, the owner or owners of such horses or cattle shall be liable to the owner of such trees for all damages done thereto. Provided, in all cases, that said shade or ornamental trees shall be protected by ordinary board or slat boxes. [G. O. No. 710, Sec. 5].

SEC. 1251. **Planting of box elder trees prohibited.**—It shall be unlawful for any person to plant or set out upon any sidewalk, sidewalk reservation, street or public thoroughfare in this city any box elder tree or trees. Any person violating this section shall, upon conviction therefor, be fined in a sum not less than five nor more than twenty dollars, and each day that such box elder tree or trees shall be allowed to remain planted or set out upon any sidewalk, etc., after conviction hereunder, shall be deemed a separate offense. [G. O. No. 588, Sec. 1].

CHAPTER LIII.

VAGRANTS.

SECTION

1252. Who are declared to be vagrants.

1253. Pigeon-dropping defined.

1254. Two or more may be jointly tried.

SECTION

1255. Evidence of reputation admissible.

1256. Disposal of vagrant—penalty.

SEC. 1252. **Who are declared to be vagrants.**—Vagrants, under the meaning and provisions of the ordinances of the city of St. Joseph, shall be deemed to be:

First. Any person who in this city lives idly, has no visible means of support, and is found loitering, rambling, wandering or loafing about the streets, or thoroughfares of this city, or who shall be engaged in any unlawful calling whatever; or who in this city lives idly, and is a frequenter of saloons, bar rooms, bawdy houses, gambling houses, or any disorderly houses, or who in this city lives idly and is a gambler or roper or capper for any gambling house or room or any gambling game; or who lives idly and has the reputation of being a gambler or roper, steerer or capper for any gambling house or room, or any gambling game; or who shall be found trespassing upon the private property of another, and cannot give a good account of himself; or who shall be found begging, or going from door to door begging, or appearing in any street, thoroughfare or other public place begging or receiving alms as a profession.

Second. Any male or female person who shall be the keeper, proprietor or exhibitor of any gaming table or gambling device, or who shall be an assistant or attendant at any such gaming table or gambling device, and gamblers.

Third. Any person who, for the purpose of gaming or gambling, travels from place to place, or frequents steamboats or other vessels at the wharf of this city, or at passenger depots, or goes from place to place in this city for that purpose.

Fourth. Any person upon whom shall be found any instrument or thing used for the commission of burglary, or for picking locks or pockets, and who shall fail to give a good account of their possession of the same.

Fifth. Any person who shall be found engaged in pigeon-dropping as hereinafter defined.

Sixth. Any person who, having been once convicted of being a vagrant, or who has the reputation of being a vagrant, shall be found in possession of any Mexican puzzle, patent safe-strop-thimble and balls, or any other instrument or device used for pigeon-dropping.

Seventh. Any prostitute, courtesan, bawd or lewd woman, or any female inmate of any bawdy house or house of prostitution, assignation, brothel, or house of bad repute, who shall be found wandering about the streets in the night time, or frequenting dramshops or beer houses, or any such female who shall be found employed as a beer-carrier, either in the day or night time, or who may be found employed singing or dancing in any such house or place.

Eighth. Any procurer, pimp or other male person inhabiting a bawdy house or house of prostitution or assignation, or in any way connected with the keeping of such house.

Ninth. Any person, male or female, who knowingly associates with persons having the reputation of being thieves, burglars, pickpockets, pigeon-droppers, bawds, prostitutes or lewd women or gamblers, or who lodges in or frequents houses or other places having the reputation of being the resort of thieves, burglars, pickpockets, pigeon-droppers, bawds, prostitutes or lewd women, or gambling houses, or places for the reception of stolen property. [R. O. 1897, Chap. 77, Sec. 1].

SEC. 1253. **Pigeon-dropping defined.**—Pigeon-dropping, under the meaning and intent of this chapter, shall be deemed the winning or obtaining money or property, or things representing money or property, by its being bet or staked on any game, instrument, contrivance or device under the control of any person

concerned in the game, bet or stake, or of any confederate of such person, and so contrived or constructed that the result of any game, bet or stake can be determined by either of such persons; or the borrowing of money or property, or anything representing money or property, to be bet on any such game, instrument, contrivance or device; or the inveigling, enticing or persuading any person to bet or lend money or property or anything representing money or property, to be bet or staked on any such game, instrument, contrivance or device; or the borrowing money or property on petitions or worthless notes, checks or drafts, or having them in possession for a fraudulent purpose. [R. O. 1897, Chap. 77, Sec. 2].

SEC. 1254. **Two or more may be tried jointly.**—Two or more persons found acting together or in concert for the purpose of pigeon-dropping, may be tried jointly. R. O. 1897, Chap. 77, Sec. 3].

SEC. 1255. **Evidence as to reputation, etc.**—On the trial of any person charged with being a vagrant before the judge of the police court, it shall be lawful for the city to introduce testimony as to the character and reputation of the defendant touching any of the matters set forth in the first section of this chapter; and the defendant may resort to testimony of a like nature for the purpose of disproving the same. [R. O. 1897, Chap. 77, Sec. 4].

SEC. 1256. **Disposal of vagrant—penalty.**—Any person who shall be guilty of being a vagrant under the provisions of this chapter, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding two hundred dollars (\$200). [G. O. No. 590, Sec. 1].

CHAPTER LIV.

VEHICLES—RATES AND REGULATIONS.

SECTION

- 1257. Rates for hauling passengers.
- 1258. Rates allowed for one horse wagon.
- 1259. Rates allowed for two horse wagon.
- 1260. Hack or carriage driver to give bond.
- 1261. Driver intoxicated while on duty—penalty.
- 1262. Shall not refuse to carry, or deceive a passenger.
- 1263. Rates of fare to be posted in vehicle.
- 1264. License of non-resident not transferable.
- 1265. Falsely representing place of residence.

SECTION

- 1266. Penalty.
- 1267. Job wagon stand designated, to be occupied.
- 1268. Penalty.
- 1269. Bicycles, etc., governed by what laws.
- 1270. Riders confined to right hand side of street.
- 1271. Persons prohibited from riding upon sidewalks.
- 1272. Speed limited, in what district.
- 1273. Bicycles, etc., to be provided with alarm bells.
- 1274. "Coasting" prohibited.
- 1275. Penalty.

SEC. 1257. Rates for hauling passengers.—Persons owning or driving any vehicle are allowed to charge as follows: For each passenger, with usual baggage, carried from any point in the city limits to any other point within the limits of the city, fifty cents, and no more; for use of vehicle and driver for one day, ten dollars; for transporting passenger's trunk, fifty cents; for use of vehicle when engaged by the hour in going from place to place, or stopping, when required, or waiting, when required, at any place, two dollars for the first hour, and one dollar per hour for every succeeding hour after the first. Provided, that double these rates may be charged between twelve o'clock midnight and sunrise next morning. [R. O. 1897, Chap. 78, Art. 1, Sec. 3].

SEC. 1258. Rates allowed for one horse wagon.—Persons owning or driving one horse or mule job wagons, carts or drays, are allowed to charge for carrying and unloading any load or baggage, goods, wares or merchandise a distance of ten blocks or less, forty cents; and for any greater distance than ten blocks inside the city limits, seventy-five cents and no more. [R. O. 1897, Chap. 78, Art. 1, Sec. 4].

SEC. 1259. Rates allowed for two horse wagon.—Persons owning or driving two horse or mule job wagons, carts or drays, are allowed to charge for each load transported and unloaded in this city, one dollar; or in lieu thereof the sum of four cents per hundred pounds on heavy goods, and five cents per hundred pounds on light goods, and no more. [R. O. 1897, Chap. 78, Art. 1, Sec. 5].

SEC. 1260. Hack or carriage driver to give bond.—Before any person shall act as driver of any licensed hack, carriage, omnibus, sleigh or other public vehicle used for carrying passengers, he shall enter into a bond with the city of St. Joseph in a sum of five hundred dollars, with two or more good and sufficient securities, residents of the city, to be approved by the comptroller, conditioned that said driver will at all times demean himself properly and observe all ordinances, rules and regulations of the city pertaining to such vehicles and drivers, and that they will pay all fines, costs and penalties imposed upon such driver for violation or failure to comply with such ordinance, rule or regulation. Said bond shall be filed with the city auditor. [R. O. 1897, Chap. 78, Art. 1, Sec. 6].

SEC. 1261. Driver intoxicated while on duty—penalty.—Any driver of any licensed hack, carriage, omnibus, sleigh or other public vehicle used for carrying passengers, who shall be found in a state of intoxication while on duty as such driver, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than fifteen dollars nor more than fifty dollars. [R. O. 1897, Chap. 78, Art. 1, Sec. 7].

SEC. 1262. Shall not refuse to carry, or deceive a passenger.—Persons owning or driving vehicles used for carrying passengers, shall not refuse to carry any passenger to any place within the limits of this city, except such passenger refuse to pay the rate fixed by ordinance for such services. No owner or driver shall deceive any passenger who may ride in any such public vehicle, or who may desire to ride in any such vehicle, as to his destination, or the price authorized by ordinance to be charged for such services, or shall convey such passenger, or cause him to be conveyed, to a place other than as directed by him. [R. O. 1897, Chap. 78, Art. 1, Sec. 8].

SEC. 1263. Rates of fare to be posted in vehicle.—Persons owning or driving hacks, carriages, omnibuses or other public vehicles used in conveying passengers, shall at all times keep posted in a conspicuous place in such vehicle a card on which shall be printed in plain letters the amount fixed by ordinance for carrying passengers in the city of St. Joseph, and any owner or driver of any vehicle used in conveying passengers, goods, wares or merchandise, who shall ask or charge or attempt to charge, or cause or allow to be asked or charged for such services a rate higher than the price fixed by ordinance, and any person who shall hire such public vehicle for the purpose of riding therein or transporting any goods, wares or merchandise, and shall refuse to pay the rate therefor as fixed by ordinance, or any owner or driver who shall refuse to post and keep posted a rate card as herein required, shall be deemed guilty of a misdemeanor. [R. O. 1897, Chap. 78, Art. 1 Sec. 9].

SEC. 1264. License of non-resident not transferable.—No person who is a non-resident of said city having a license for the carriage or transportation of persons for hire, pay, profit or compensation, in any hack, hackney carriage, coach, wagon, omnibus or other vehicle, shall be permitted to transfer the same, and if such license shall be transferred it shall thereupon become void. [R. O. 1897, Chap. 78, Art. 1, Sec. 10].

SEC. 1265. Falsely representing place of residence.—It is hereby made a misdemeanor for any person, who is a non-resident of the city of St. Joseph, to represent himself to the city auditor of said city to be a resident of said city, for the purpose of transferring a license for the purpose named in the preceding section. [R. O. 1897, Chap. 78, Art. 1, Sec. 11].

SEC. 1266. Penalty.—Any person violating any of the preceding sections of this chapter shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in a sum not to exceed twenty-five dollars. [R. O. 1897, Chap. 78, Art. 1, Sec. 12].

SEC. 1267. Job wagon—stand designated, to be occupied.—Any owner, driver or person in charge of any express or job wagon, who shall occupy any place in the streets of said city as

a stand not designated as a stand, as defined in this chapter, or any owner, driver or person in charge of any express wagon who shall occupy the stand herein designated, shall keep the vehicle so under his charge close up to the line of the curb and said vehicles shall be kept in a line in single file close up to each other, and such owners, drivers or persons in charge of such vehicles while waiting at such stand, shall not assemble in groups along the streets herein designated, but shall remain by the side of their respective vehicles while remaining at such stands. [R. O. 1897; Chap. 78, Art. 2, Sec. 2].

SEC. 1268. **Penalty.**—Any person violating the provisions of the preceding section shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than ten dollars nor more than fifty dollars. [R. O. 1897, Chap. 78, Art. 2, Sec. 3].

SEC. 1269. **Bicycles, etc., governed by what laws.**—Bicycles, tricycles or unicycles are hereby declared to be vehicles for the purpose of carrying one or more persons, and as such (while being ridden inside the corporate limits of the city of St. Joseph) shall be governed by all laws and ordinances relating to vehicles, now in force or embodied in this ordinance. [R. O. 1897, Chap. 78, Art. 3, Sec. 1].

SEC. 1270. **Riders confined to right hand side of street.**—All riders of bicycles, tricycles, unicycles or any other vehicle while riding or driving inside the corporate limits of the city of St. Joseph, shall confine themselves to the right hand side of the center of any street they may be riding or driving upon, and upon meeting, or being liable to meet any other vehicle, whether said vehicle shall be propelled by pedals, electricity or steam, or shall be drawn by horses, mules or any animals, shall immediately turn off to the right hand, and any vehicle traveling in the opposite direction shall also turn off to the right. [R. O. 1897, Chap. 78 Art. 3, Sec. 2].

SEC. 1271. **Persons prohibited from riding upon sidewalks.**—Any person upward of the age of twelve years is hereby prohibited from riding any bicycle, tricycle, unicycle or other vehicle propelled by pedals upon, along or over any sidewalk, by-way or path used as a public way for pedestrians in the city of St. Joseph [R. O. 1897, Chap. 78, Art. 3, Sec. 3].

SEC. 1272. **Speed limited, in what district.**—Any person is hereby prohibited from riding any bicycle, tricycle, unicycle or other vehicle propelled by pedals, upon or along any public street or avenue in the city of St. Joseph, within the following limits, being a district bounded on the north by, and including Francis street, on the south by, and including Messanie street, on the east by, and including Tenth street, and on the west by and including Second street, at a speed greater than ten miles per hour, nor over any crossing or crosswalk at a speed greater than eight miles per hour. [R. O. 1897, Chap. 78, Art. 3, Sec. 4].

SEC. 1273. **Bicycles, etc., to be provided with alarm bells.**—Any person is hereby prohibited from riding any bicycle, tricycle, unicycle or other vehicle propelled by pedals over, upon or along any public street or avenue in the city of St. Joseph unless the same shall be provided with and have attached thereto an alarm bell or other suitable and proper warning signal, said bell to be sounded as a warning whenever necessary to avoid colliding with pedestrians. [R. O. 1897, Chap. 78, Art. 3, Sec. 5].

SEC. 1274. **“Coasting” prohibited.**—Any person is hereby prohibited from riding any bicycle, tricycle, unicycle or other vehicle propelled by pedals over, upon or along any public street or avenue in the city of St. Joseph in the manner commonly known as “coasting.” [R. O. 1897, Chap. 78, Art. 3, Sec. 6].

SEC. 1275. **Penalty.**—Any person violating either of the six preceding sections of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than one dollar nor more than twenty dollars for each and every offense. [R. O. 1897, Chap. 78, Art. 3, Sec. 7].

CHAPTER LV.

WATER.

ARTICLE	ARTICLE
I. Rates charged private consumers of water.	II. Time of payment—enforcement of.

ARTICLE I.

RATES CHARGED PRIVATE CONSUMERS OF WATER.

SECTION	
1276. Fixing rate charged private consumers of water.	

SEC. 1276. **Fixing rate charged private consumers of water.**
—From and after the 10th day of December, 1899, no person, association of persons, company or corporation operating a water-works in the city of St. Joseph shall charge private consumers of water rates in excess of the following table or schedule of annual water rates, to wit:

Apothecaries and Drug Stores.

First faucet	\$ 5.00
Each additional faucet	2.50
Soda fountain	2.00
Tumbler washers, each jet or spray	3.00
Self-acting	1.25
Other water fixtures the same as business houses.	

Bakery.

First faucet, no charge less than	\$ 5.00
Per barrel of flour over two barrels, daily average	2.50
Additional faucet	free
Where ice cream parlor is attached add for each table seating four to six persons .....	.50

Barber Shop.

First chair	\$ 3.00
Each additional chair	2.00
First bath tub	8.00
Each additional bath tub	4.00
First water closet	4.00
Each additional water closet	2.00
First urinal	2.00
Each additional urinal.....	.75

Bar Rooms and Saloons.

(Add to hotel, lunch room, eating house, restaurant or tavern rate, if connected.)

First faucet behind bar	\$ 5.00
Each additional faucet behind bar	3.00
First faucet outside of bar	3.00
Each additional faucet outside of bar	1.00
Beer pump, each	6.00
First water closet	6.00
Each additional water closet	2.00
First urinal	3.00
Each additional urinal	1.50

Three billiard or pool tables or less allowed in bar room without extra charge.

Billiard Rooms.

First three tables or less, one faucet	\$ 3.00
Each additional table .....	.50
Each additional faucet	1.00
First water closet	4.00
Each additional closet	2.00
First urinal	3.00
Each additional urinal	1.50

Blacksmith, Horseshoeing, Wagon and Carriage Shops.

One faucet, first fire	\$ 3.00
Each additional fire	1.50

For other water fixtures, see factory.

Boarders and Lodgers.

For private house where not more than four boarders or lodgers are

kept, add to total family rates for each regular boarder\$ 1.00

For each table boarder50

For each roomer or lodger25

Boarding or Lodging Houses, Hotels or Taverns.

For houses regularly engaged in the business and including any private family keeping more than four boarders or lodgers, first faucet, for family and four boarders\$ 4.00

For each additional regular boarder 1.00

For each additional table boarder50

For each additional lodger25

For first water closet, common use 4.00

For each additional water closet, common use 2.00

For each urinal, common use 3.00

For each additional one, common use 1.50

For first bath tub 4.00

For each additional one 2.00

For each slop-sink 3.00

For each washstand in private room free

For each water closet in private room 1.50

For each bath tub in private room 1.50

Boarding Schools, Seminaries, Colleges, Convents, Private**Schools, Hospitals, Etc.**

For first faucet\$ 4.00

For each person over five in number residing in the building as a home 1.00

Add for each additional person residing in the building during school term only50

For first stationary wash stand, common use 4.00

For each additional one 2.00

For first water closet, common use 5.00

For each additional one 2.50

For first bath tub, common use 5.00

For each additional one 2.50

For first urinal 3.00

For each additional one 1.50

For each slop sink 3.00

For each stationary wash stand in private room free

For each water closet, private room 1.50

For each bath tub, private room 1.50

Book Bindery.

First faucet, five hands or less\$ 5.00

Each additional hand 1.00

Each additional faucet free

For other water fixtures, see factory.

Boilers for Heating Only.

Rate on six months' use only, private condensing\$ 1.50

Building Purposes.

Each barrel of lime or cement used\$ 0.03

Business Offices, Blocks, Houses, Banks and Warehouses.

(Where fixture is in office or on first floor.)

Five persons or less

First faucet	\$ 2.00
Each additional faucet	1.00
Water closet	3.00
Each additional closet	1.50
Urinal	1.00
Each additional urinal .....	.50

Ten persons and**Not less than six**

First faucet	\$ 3.00
Each additional faucet	1.50
Water closet	4.00
Each additional closet	2.00
Urinal	2.00
Each additional urinal	1.00

Ten or more

First faucet	\$ 4.00
Each additional faucet	2.00
Water closet	5.00
Each additional closet	2.50
Urinal	3.00
Each additional urinal	1.50

Where fixture is outside of office and used by two or more offices
add 25 per cent to the above rate.

Above rates to apply separately to fixtures on each floor.

For washing store fronts, windows and sidewalks, per front foot....\$ 0.06

Above rates also apply to wholesale and retail stores unless other-
wise specifically stated.

Butcher Shops.

(Including green groceries.)

First faucet	\$ 5.00
Each additional one	2.50

For use of hose, see hose; for other fixtures, see factory.

Brick Work.

If separate rates from whole buildings, per 1,000 kiln count\$ 0.05

Club Rooms or Houses.

First Faucet	\$ 3.00
Each additional faucet	1.50
First water closet	4.00
Each additional closet	2.00
First urinal	3.00
Each additional urinal	1.50
First bath tub	5.00
Each additional tub	2.50
Each washstand in bedroom	1.00
Each water closet in bedroom	1.50
Each bath tub in bedroom	2.00

If a public bar is attached bar room rates must be added.

Colleges.

(Medical.)

For dissecting and chemical purposes, each student\$ 0.25

Confectionery.

First faucet, candy not made on the premises	\$ 5.00
With privilege to make candy for own use only	8.00
Soda fountain	2.00
Tumbler washer, jet or spray	3.00
Self-acting	1.25

Concert or Public Halls.

Where seats are fixed and hall cannot be cleared for fairs, dancing, etc., first faucet	\$ 2.00
Each additional faucet	1.00
First water closet	3.00
Each additional closet	1.50
First urinal	2.00
Each additional urinal	1.00
Where seats can be removed and hall cleared for fairs, dancing, etc., first faucet	3.00
Each additional faucet	1.50
First water closet	5.00
Each additional one	2.50
First urinal	3.00
Each additional one	1.50

Concrete.

Per cubic yard under 50 cubic yards.....	\$ 0.06
50 cubic yards and less than 250.....	.04
250 cubic yards and over .....	.02½

**Dining Halls or Rooms, Eating Houses, Restaurants, Ice Cream
Parlors and Oyster Houses.**

First faucet, one table seating four.....	\$ 4.00
Each additional table .....	.50
Each additional faucet	2.00
First wash basin	2.00
Each additional one	1.00
First water closet	4.00
Each additional one	2.00
First urinal	3.00
Each additional one	1.50

Where tables are not used, see lunch counter.

Dairy.

Each milk cow .....	.50
Washing milk cans in ordinary use.....	5.00
Teams for delivery, each animal.....	1.00
Wagons for delivery, washing each .....	.50

Dwellings.

Three rooms	\$ 3.00
Each additional room .....	.50
Bath tub, hot and cold water	3.00
Each additional one	1.50
Water closet, self-closing.....	3.00
Each additional one.....	1.50
Stable hydrant	2.00

Yard hydrant, see hose.

Horse	1.00
Cow .....	.75

Where water is not connected into house, but drawn from hydrant in yard one-half of above room rates.

Dwelling house rates to include the free use of water for all ordinary purposes not specified herein.

Earthwork.

Setting, per cubic yard	\$ 0.02
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No charge less than \$3.00.

Factories and Mills.**Five hands or under**

First faucet	\$ 2.00
Each additional	1.00
First water closet	3.00
Each additional	1.50
First urinal	3.00
Each additional	1.50
Bath tub	5.00
Each additional	3.00

Ten hands and not less than six

First faucet	\$ 3.00
Each additional faucet	1.50
First water closet	4.00
Each additional one	2.00
First urinal	4.00
Each additional one	2.00
Bath tub	6.00
Each additional one	3.50

Over ten hands

First faucet	\$ 4.00
Each additional one	2.00
First water closet	5.00
Each additional one	2.50
First urinal	5.00
Each additional one	2.50
Bath tub	7.00
Each additional one	4.00

Above rates to apply separately to fixtures on each floor. The above rates also apply to carpenter, paint, boot and shoe, tailor, saddle and harness, weaving, millinery, dressmaking and overall shops and others similar, and cigar and tobacco factories.

Fire Protection Fixtures.

Standpipe with hose attachments, on each floor, also tank and automatic sprinklers, where the same are put in entirely at the expense of the property owner or occupant, shall be connected with the water mains and water allowed to stand therein at all times under pressure, free of charge, but for a test of one hour duration or less, the charge shall be.....\$ 2.50

Fish House.

Including green groceries, first faucet.....	\$ 5.00
Each additional faucet	1.25

Flats.

Where fixtures are in apartments see dwellings. If fixtures are without apartments, and used by more than one family, see boarding house rates.

Forges.

See machine shops and foundries.

Foundries and Machine Shops.

First fire	\$ 4.00
Each additional fire	2.00

Water fixtures same as factories.

Fountains.

Soda or mineral water	\$ 2.00
Jet or spray tumbler washer	3.00
Self-acting	1.25

Hacks.

Washed by hose, each vehicle	\$ 1.00
Horses, each	1.00

Horses.

See dwelling and stables.

Hose.

For sprinkling by hand yards, lawns, garden, per front foot.....	\$ 0.06
Sidewalk and one-half of the street, per running foot or fraction...	.04

Sprinkling stand or racks or hose supported in place will be classed as fountains for the time water is so used.

For washing store fronts, windows and sidewalks, per front foot....	.06
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For washing vehicle, see dwellings, stables, hacks, dairy, etc.

Liquor House—Wholesale.

Where spirits are rectified in addition to a wholesale business add for each barrel of product.....	\$ 0.02
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For fixtures, see business house.

Livery and Sale Stables.

Each stall	\$ 1.00
Hose for washing vehicles, each vehicle.....	1.00

Lunch Counter.

First faucet	\$ 4.00
Each additional	1.00

Meat Market (or Shop).

Including fish or green groceries, first faucet.....	\$ 5.00
Each additional faucet	1.25

Meter Rates, Payable Monthly.

Minimum annual meter charge.....	\$12.00
First 5,000 gals., per 1,000 gals.....	.30
Second 5,000 gals., per 1,000 gals.....	.25
Second 10,000 gals., per 1,000 gals.....	.20
Third 10,000 gals., per 1,000 gals.....	.15
Fourth 10,000 gals., per 1,000 gals.....	.14
Fifth 10,000 gals., per 1,000 gals.....	.13
Second 50,000 gals., per 1,000 gals.....	.12
Second 100,000 gals., per 1,000 gals.....	.11
Third 100,000 gals., per 1,000 gals.....	.10
Fourth 100,000 gals., per 1,000 gals.....	.09
Fifth 100,000 gals., per 1,000 gals.....	.08
Additional 500,000 gals., or any part thereof, per 1,000 gals.....	.06

Where one million gallons or more are consumed in one month the maximum rates shall be six (6) cents per 1,000 gallons.

Meter rates apply to the following: Boilers for power (including steam engines), boilers (in scouring works or dye houses), bottle washers, bottling works, breweries, brick yards, candy factories, cars (washing), street or railroad cars, cisterns, distilleries, dyeing and scouring houses, elevators or lifts, engines (stationary), fountains (display or ornamental), grain elevators, feed yards and stables, gas works, grindstones (run by power), jet (for wetting stone), greenhouses, jails, laundries, locomotives, milk houses or depots, packing houses, railroads, soap works, slaughter houses, sprinkling wagons or carts, stock yards, vinegar factories, wool washers or dyers and water troughs.

Newspapers—Daily.

Composition rooms, press rooms and business office, first faucet, add \$2.00 to business house rate.

Additional water fixtures same as business house.

Office—Job Printing.

First faucet, add \$4.00 to business house rate.
Additional water fixtures same as business office.

Office—Newspaper.

See newspapers (daily).

Weekly newspaper rates as job printing office, where it does its own press work on premises, but rated as business office when press work is done outside.

Opera House and Theatres.

First faucet	\$ 4.00
Each additional faucet, common use.....	2.00
Each stationary wash stand in private room.....	1.00
First water closet, common use.....	4.00
Each additional one	2.00
Each water closet in private room.....	1.50
Each bath tub in dressing room.....	2.00
First urinal, common use.....	3.00
Each additional one, common use.....	1.50

Plastering.

Two-coat work, per 100 sq. yds.....	\$ 0.10
Three-coat work, per 100 sq. yds.....	.15

Photograph Gallery.

First faucet, one operator.....	\$ 5.00
Each helper or employe	1.25
Each additional faucet	3.00

Printing Offices.

See office (job printing), newspaper (daily).

Sleeping Rooms Separate from Dwelling Houses, Lodging Houses.

Stationary wash stand	\$ 2.00
Water closet, one person	3.00
Each tub, one person	3.00

Slop Sinks.

Each, when clarified	\$ 3.00
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Soda Fountains.

Each, per season	\$ 2.00
Tumbler washers, each jet or spray	3.00
Self-acting	1.25

Stable.

Boarding, each animal	\$ 1.00
Each vehicle washed	1.00
Club, each animal	1.00
Each vehicle washed	1.00
Carting, draying or job stables, each animal.....	1.00
Each vehicle washed	1.00

Stonework.

Per perch of rubble work.....	\$ 0.02
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Tenements, Flats, Etc.

Where fixtures are used separate, dwelling house rates; where used in common, boarding house rates; where water fixtures are within family apartments, the rate will be the same as for dwellings.

Tumbler Washers.

Each jet or spray	\$ 3.00
Self-acting	1.25

Urinals.

Continuous flow, each (self-closing always where not otherwise specified)	\$ 8.00
First self-closing urinal, where not otherwise rated.....	3.00
Each additional one	1.50

Vehicles.

See stables.

WATER CLOSETS.

Self-closing always, where not otherwise specified.

Special rates will be given for the use of water for all purposes not mentioned in the above schedule.

Where two faucets, one hot and the other cold water, empty into the same vessel, such two faucets will be rated as one faucet.

Where dwelling or sleeping rooms are situated above or behind apothecaries, drug stores, bakeries, barber shops, butcher shops, bar rooms, confectionery, cigar factories, eating houses, laundries, saloons, shops, stores or other places connected with the water supply and occupied or used by the same party, then the rate as hereinbefore named for each dwelling or sleeping room shall be added to the rate for the apothecary, drug store, bakery, barber shop, etc., whether the water is connected in said dwelling or sleeping room or not.

The rate hereinbefore named for a faucet shall be held as including the sink or stationary wash stand under the same.

Whenever the word person is used it refers only to those who are over ten years of age; three children between the ages of five and ten years will be rated as one person and children under five years will not be counted. In enumerating the persons in stores, factories, shops, offices, etc., account will be taken of only those who are regularly employed about the premises and in no case will customers or patrons be counted.

All water fixtures such as faucets, urinals, water closets, etc., are rated and classed as self-closing and self-acting in all cases unless otherwise specifically stated.

The above rates are per annum, unless otherwise specified. [G. O. No. 623, Sec. 1].

ARTICLE II.

TIME FOR PAYMENT—ENFORCEMENT OF.

SECTION

1277. Office to be kept, etc.
 1278. Water rates payable quarterly.
 1279. Consumer refusing to pay water rate, may be shut off.

SECTION

1280. Tender of water rate by consumer—effect of.
 1281. Water rate of consumer prior to December 10, 1899, payable when.

SEC. 1277. Office to be kept, etc.—The owner or owners of any system of water works supplying water to the city of St. Joseph or the inhabitants thereof shall keep an office in said city within five squares of the city hall with persons in charge of said office authorized and whose duty it is to receive payment of water rates from private consumers of water for the owner or owners of said system. [G. O. No. 633, Sec. 1].

SEC. 1278. Water rates payable quarterly.—The annual water rates fixed and established by general ordinance No. 623 shall be paid by private consumers quarterly in advance (except meter rates) as follows: From January first to tenth day; April first to tenth day; July first to tenth day, and October first to tenth of each year. Meter rates shall be paid monthly. [G. O. No. 633, Sec. 2].

SEC. 1279. Consumer refusing to pay water rate, may be shut off.—If any private consumer of water shall refuse to pay for water supply at said water rates and within the time fixed herein by section 1276, then those operating the waterworks system in the city of St. Joseph shall have the right to turn the water off, and before such private consumer can compel them to turn the water on again shall first pay all arrearages and one dollar in addition thereto. [G. O. No. 633, Sec. 3].

SEC. 1280. Tender of water rate by consumer, effect of.—Any person who shall turn the water off from the premises of any private consumer of water, thereby depriving such consumer of a supply of water after such consumer has tendered to the per-

son in charge of the office of the waterworks system supplying the water amount due up to the first day of the next quarter, shall be guilty of a misdemeanor and punished by a fine of not less than ten dollars nor more than fifty dollars. And it is hereby made the duty of the city engineer of the city of St. Joseph to at once turn the water on for any private consumer who shall make complaint to him that tender of amount of water rates has been made as herein provided to person or persons in charge of office of the waterworks system: Provided, that such private consumer of water shall then and there deposit with the city engineer said amount then due for water supply, for which he shall give such private consumer of water his receipt, and the city engineer shall deposit the same with the city treasurer, who shall hold same subject to the order of those operating the waterworks system. [G. O. No. 633, Sec. 4].

SEC. 1281. **Water rate of consumer prior to December 10, 1899, payable, when.**—All private consumers of water who are or may become indebted for a supply of water after December 10th, 1899, and prior to January 1st, 1900, shall pay same on or before January 1st, 1900. [G. O. No. 633, Sec. 5].

CHAPTER LVI.

WOOD.

SECTION

1282. Ticket, shall be delivered to purchaser, etc.

SECTION

1283. Cord of wood defined.
1284. Penalty.

SEC. 1282. **Purchaser entitled to ticket, etc.**—Every person keeping a wood yard and selling wood in small quantities shall deliver to the purchaser thereof a ticket, setting forth the quantity so sold in cords and fractional cords and shall deliver the quantity set forth in said ticket. [R. O. 1897, Chap. 79, Sec. 1].

SEC. 1283. **Cord of wood defined.**—A cord of wood shall consist of one hundred and twenty-eight cubic feet. [R. O. 1897, Chap. 79, Sec. 2].

SEC. 1284. **Penalty.**—Any person delivering a less quantity than set forth in said ticket, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum of not less than ten nor more than fifty dollars. [R. O. 1897, Chap. 79, Sec. 3].

CHAPTER LVII.

WORKHOUSE.

SECTION

- 1285. Workhouse, establishment of.
- 1286. Superintendent, power and duty of.
- 1287. Superintendent, appointment of; bond, etc.
- 1288. Duty of officers on commitment or release of prisoners.
- 1289. Chief of police to keep a record, etc.
- 1290. Discharge of prisoners; escape.
- 1291. Superintendent to keep a record and report monthly.
- 1292. Prisoners required to labor.
- 1293. Prisoners must be fed.
- 1294. Duty of health officer at workhouse.
- 1295. Rules of discipline shall be enforced.

SECTION

- 1296. Prisoners must obey orders.
- 1297. Penalty for obstructing, etc., officers, etc.
- 1298. Articles produced may be sold.
- 1299. Supplies; what furnished by city, to be purchased.
- 1300. Committee to examine books.
- 1301. Punishment for refusing to work, etc.
- 1302. Prisoner credited at rate of one dollar per day.
- 1303. Sexes to be separated.
- 1304. Records to be turned over to successor.
- 1305. Moneys received to be paid over.
- 1306. Inventory of property to be returned to comptroller.

SEC. 1285. **Workhouse, establishment of.**—The building and enclosures erected and now standing, together with any addition that may be made thereto on lots numbered two, three, four, five and six, in block numbered thirty-one, in Robidoux's addition to the Original Town, now city of St. Joseph, heretofore established as a workhouse for said city, is hereby declared to be the workhouse for the confinement of persons duly committed for any cause by the chief of police, under the authority of any execution or warrant of commitment issued by the judge of the police court of the city. [R. O. 1897, Chap. 80, Sec. 1].

SEC. 1286. **Superintendent, power and duty of.**—The superintendent of the workhouse is hereby declared to be the keeper of the same, and shall have superintendence and control of all persons detained therein, and furnish subsistence to the persons therein confined, and shall have the custody, rule, charge and the keeping of the same, and of all fixtures, tools and other property pertaining thereto: and he shall superintend the labor, safe-keeping and employment of the prisoners in and about the workhouse [R. O. 1897, Chap. 80, Sec. 2].

SEC. 1287. Superintendent, appointment of—bond, etc.—

At the first stated session of the common council, every two years, it shall be the duty of the mayor to appoint by and with the consent of the common council, some competent person as superintendent of the workhouse. He shall perform such duties relating to his office as are and may be enjoined upon him by ordinance. He shall receive a stated annual salary, payable in monthly installments, and shall also receive pay for the subsistence of the prisoners confined in said city workhouse, which pay for subsistence, at a stated rate per day, shall be fixed in the general appropriation ordinance for each year; and he shall be entitled to no other fees or emoluments whatsoever. And before entering upon the duties of his office shall execute a bond to the city of St. Joseph, in the penal sum of two thousand dollars, conditioned for the faithful performance of the duties of the office, as herein provided. [R. O. 1897, Chap. 80, Sec. 3].

SEC. 1288. Duty of officers on commitment or release of prisoners.—Whenever the chief of police shall commit any person to the workhouse, under the authority of any execution or warrant of commitment issued by the judge of the police court, he shall deliver to the superintendent thereof a copy of the execution or warrant of commitment under which such commitment is made, and he shall endorse thereon the amount of money or other property in his possession belonging to the prisoner; and the said superintendent shall endorse a receipt for the prisoner on the execution held by the chief of police, and no person shall be released from the workhouse by the superintendent thereof, except upon the certificate of the chief of police, as hereinafter provided, or by an order of the mayor; and in no case, unless the fine and costs assessed against the prisoner are paid, or the same have been remitted by the common council, which facts must be stated in the certificate of the chief of police or order of the mayor releasing the prisoner. The superintendent shall return each certificate of the chief of police and order of the mayor releasing the prisoners to the comptroller at the same time he makes his monthly report, hereinafter required. [R. O. 1897, Chap. 80, Sec. 4].

SEC. 1289. Chief of police to keep a record, etc.—The chief of police shall, upon committing any person to the workhouse as aforesaid, in a book to be kept for that purpose, register the name,

age, height, sex, color and nativity of such person, with the date of such committal and the amount of the fine and costs for which such person was committed; and upon the payment to the chief of police the amount due on any such execution, or whenever any prisoner shall be otherwise legally entitled to a discharge, the chief of police shall certify that fact to the superintendent of the workhouse, who shall carefully preserve said certificate, and thereupon discharge the prisoner named therein. R. O. 1897, Chap. 80, Sec. 5].

SEC. 1290. **Discharge of prisoners—escape.**—It shall be the duty of the superintendent of the workhouse, at the expiration of the term of imprisonment of each person confined in the city workhouse, to conduct each person to the office of the chief of police, and report to him the fact of such expiration, and receive from him a written discharge for such prisoner; and when any person confined in the city workhouse shall escape therefrom, the superintendent shall forthwith give the chief of police notice thereof. [R. O. 1897, Chap. 80, Sec. 6].

SEC. 1291. **Superintendent to keep a record and report monthly.**—The superintendent of the workhouse shall keep a record in which he shall enter the name of every person committed thereto, and shall also enter thereon the age, height, sex, color and nativity of each person committed, the date of such committal and the number of days labor which the prisoner must give to discharge the fine and costs; and shall, on the first day of each month, make a detailed statement, duly sworn to by him, of all persons who have been confined therein during the previous month, the number of days of their several confinements during said month, and the number of days' service performed, and the value and description of the work performed by them in detail, the sex and nativity of all the prisoners, together with the names of all persons discharged or released during said month, and by what authority, the number of days and parts of days each and every prisoner confined in the workhouse has been furnished food, and the number of meals furnished each prisoner; which said report shall be filed in the office of the city comptroller. [R. O. 1897, Chap. 80, Sec. 7].

SEC. 1292. **Prisoners required to labor.**—Upon the committal of any person to the workhouse, the superintendent thereof shall divest such person of all articles of value and all unnecessary wearing apparel, which shall be registered in a book to be kept for that purpose, and shall be returned to the owner upon his being discharged. It shall be the duty of the superintendent of the workhouse to cause all male prisoners confined therein to be kept at labor at least eight hours in each day (except Sunday), within the limits of the city workhouse and grounds, at such public work for the city as the mayor and common council may from time to time direct. [R. O. 1897, Chap. 80, Sec. 8].

SEC. 1293. **Prisoners must be fed.**—The workhouse shall at all times be kept clean, in good order and in a healthy condition; and the superintendent shall furnish the prisoners confined therein with a sufficient supply of good and wholesome food, three times each day, for which he shall be allowed such price per diem, for each prisoner, as the common council may prescribe. [R. O. 1897, Chap. 80, Sec. 10].

SEC. 1294. **Duty of health officer at workhouse.**—Whenever any prisoner is sick, the superintendent shall immediately notify the health officer of the fact, and he shall forthwith visit the sick prisoner and see that he is furnished with proper food, medicines and care; the health officer may, if he deem it necessary, have any sick prisoner conveyed to the city hospital, and when any prisoner taken to the city hospital shall, in the opinion of the health officer, have sufficiently recovered to be able to work, he shall, if his term of sentence shall not have already expired, be recommitted to the workhouse, to work out the remainder of his fine and costs; the health officer shall at least every two weeks, visit the dining room of the prisoners, during meal time, and if, in his opinion the food of the prisoners is not sufficient or proper, he shall immediately report the fact to the common council; and he shall also inspect the dormitories and water closets and make such recommendations in relation to the food and sanitary condition of the dormitories and water closets as may be requisite for the health of the prisoners. [R. O. 1897, Chap. 80, Sec. 11].

SEC. 1295. Rules of discipline shall be enforced.—The superintendent of the workhouse may adopt rules of discipline to be approved by the workhouse committee; he shall read said rules to each person committed, at the time of his or her reception, and shall also keep posted in conspicuous places in and about the workhouse, printed copies of such rules, and it shall be the duty of said superintendent to rigidly enforce said rules and to maintain toward persons under his charge a uniformly humane and dignified deportment. [R. O. 1897, Chap. 80, Sec. 12].

SEC. 1296. Prisoner must obey orders.—Every prisoner committed to the workhouse shall obey the superintendent thereof in all his lawful commands, and shall not molest or hinder him in the discharge of his duty, and shall not escape or attempt to escape, or assist others to escape or attempt to escape therefrom, or destroy or injure any property appertaining to the workhouse, and shall not transgress or violate the rules of discipline or any of them. Any person violating any provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be subject to a fine of not less than five dollars nor more than one hundred dollars. [R. O. 1897, Chap. 80, Sec. 13].

SEC. 1297. Penalty for obstructing, etc., officer, etc.—The superintendent, any officer of the workhouse or any member of the police or fire departments, may arrest without warrant any person who shall have escaped from the workhouse or any person found trespassing upon the workhouse grounds or premises, or attempting to rescue any prisoner, or assisting or attempting to assist any prisoner to escape, or hindering or obstructing, or attempting to hinder or obstruct the superintendent, guards or other officers of the workhouse in the lawful discharge of their duties; and any person who shall molest or interfere with the said superintendent, guards or other officers of the workhouse, or prisoners in their custody or charge, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than ten dollars nor more than one hundred dollars. [R. O. 1897, Chap. 80, Sec. 14].

SEC. 1298. Articles produced may be sold.—The superintendent may, with the consent of the comptroller and the com-

mittee on workhouse, sell or otherwise dispose of any article used, made or produced in or about the workhouse, and shall pay the proceeds into the city treasury, to be placed to the credit of the general fund. [R. O. 1897, Chap. 80, Sec. 15].

SEC. 1299. Supplies; what furnished by city, to be purchased.—The superintendent of the workhouse shall have the use of the kitchen and cooking utensils of the city at the workhouse. He shall furnish everything necessary for the sustenance and comfort of the prisoners, which shall include fuel for cooking purposes and bedding for the dormitory. The city shall furnish fuel for heating purposes, light and water for the city workhouse, and also medicines and necessary boots and shoes and clothing for the prisoners. Provided, that no purchases on account of the city shall be made without the written consent of the workhouse committee. [R. O. 1897, Chap. 80, Sec. 16].

SEC. 1300. Workhouse committee to examine books and accounts.—The committee on workhouse shall, once in every month, inspect said workhouse and its management, examine the books and accounts of the superintendent, and report at once to the common council, in writing any neglect or violation of the duties and obligations of the superintendent, any officer or employe of the workhouse. [R. O. 1897, Chap. 80, Sec. 17].

SEC. 1301. Punishment for refusing to work, etc.—Any person who shall refuse to work, or who shall behave in a riotous or disorderly manner, or shall resist or attempt to escape from the workhouse, may be committed to close and solitary confinement, and may be fed on bread and water until he consents to perform his duty; and may, if necessary, be put in irons; but the workhouse committee shall have power to control the superintendent in the extent and manner of punishment. [R. O. 1897, Chap. 80, Sec. 18].

SEC. 1302. Prisoner credited at the rate of \$1 per day.—Any male person committed to said workhouse for the non-payment of any fine imposed by the judge of the police court, shall be credited at the rate of one dollar per day. If any person shall be sick and shall in the opinion of the health officer be unable to work, he shall be allowed his time as though he had

worked. Male prisoners who cannot work, by reason of the inclemency of the weather, shall nevertheless be allowed a credit as though they had worked: Provided, that any male person committed to said workhouse who shall break more than one square yard of rock in any one day, shall, in addition to the one dollar per day herein allowed, be credited at the rate of one dollar for each additional square yard of rock broken by him in excess of one square yard per day and proportionately for a less amount. [G. O. No. 655, Sec. 1].

SEC. 1303. **Sexes to be separated.**—The superintendent shall not permit male and female prisoners to occupy the same apartments. [R. O. 1897, Chap. 80, Sec. 20].

SEC. 1304. **Records to be turned over to successor.**—All records required to be kept by the superintendent shall be preserved and by him turned over to his successor. [R. O. 1897, Chap. 80, Sec. 21].

SEC. 1305. **Moneys received to be paid over.**—The superintendent shall pay all moneys received by him belonging to the city into the city treasury on the last business day in each month, and shall take triplicate receipts therefor from the city treasurer, one of which he shall file with the city auditor, one with the comptroller and the other retain. [R. O. 1897, Chap. 80, Sec. 22].

SEC. 1306. **Inventory of property to be returned to comptroller.**—The superintendent shall, at the end of each year, make and return to the city comptroller, duly verified, a complete inventory of all personal property of the city, which was delivered to him by his predecessor in office, and all property delivered to him during the year, and remaining in his possession on the last day of the fiscal year, together with such other facts as the comptroller may require. [R. O. 1897, Chap. 80, Sec. 23].

THE CITY OF ST. JOSEPH

INCORPORATED AS A CITY OF THE SECOND CLASS.

AN ORDINANCE PROVIDING THAT THE CITY OF SAINT JOSEPH
BE INCORPORATED AS A CITY OF THE SECOND CLASS.

SECTION

1. Incorporating as a city of the second class.
2. Ordinance to be ratified by voters.
3. Proclamation for election to be issued by mayor.
4. Tickets to be printed.
5. Tickets, how voted.
6. Votes to be counted and result proclaimed.

SECTION

7. Proclamation by acting mayor submitting ordinance to voters.
8. Proclamation by the mayor submitting ordinance to voters.
9. Proclamation of mayor declaring result of election and proclaiming incorporation as a city of the second class.

Be it Ordained by the City of Saint Joseph:

SECTION 1. Incorporating as city of second class.—That the city of Saint Joseph be incorporated under the provisions of the general law provided for the government of cities of the second class in article 3, chapter 89, Revised Statutes (1879), of Missouri.

SEC. 2. To be ratified by voters.—That this ordinance shall take effect and be in force from and after its passage and approval and its ratification and adoption by a majority of the qualified voters of the city voting at an election to be held for that purpose.

SEC. 3. Proclamation of election.—The mayor shall, within five days after the passage and approval of this ordinance, issue his proclamation that at the general election of this city to be held on the first Tuesday after the first Monday in April, the same being April 7th, 1885; which proclamation shall be filed with the city register and by him duly recorded and preserved; that at said election the said qualified voters shall vote for the rejection or adoption of this ordinance.

SEC. 4. **Tickets to be printed.**—The city register is required to have—thousand tickets printed and deliver them in equal quantities to each polling place within the city before the polls open on April 7th, 1885. Said tickets shall have printed thereon these words: “For city of second class. Yes. No.”

SEC. 5. **How voted.**—Every qualified voter in favor of ratifying this ordinance may at such election deposit one of these ballots. “For city of second class, yes,” and every qualified voter opposed to such ratification may deposit at said election one of these ballots: “For city of second class, no.”

SEC. 6. **Counting votes; result.**—After such election the votes shall be duly canvassed, and the number for and against the adoption of this ordinance shall be made a matter of record, and if a majority of the votes cast are “for city of second class,” then the mayor shall issue his proclamation so declaring the result of such election.

Approved March 10th, 1885.

SAMUEL WESTHEIMER,

[Seal.] Attest,

Acting Mayor.

F. M. TUFTS, Register.

PROCLAMATIONS.

SEC. 7. **By acting mayor.**—Mayor’s Office, City Hall, St. Joseph, Mo., March 11, 1885. Whereas, it is provided by law that any city or town in this state, existing by virtue of any local or special law, may elect to become a city and be incorporated in the class to which its population would entitle it under the provisions of chapter 89, article 1, of Revised Statutes [1879], of the state of Missouri;

And whereas, the city council of the city of Saint Joseph, state of Missouri, enacted an ordinance providing that the city of Saint Joseph be incorporated as a city of the second class, which was approved March 10, 1885;

And whereas, it is provided that the proposition shall be submitted to the legal voters of the city at an election to be held for that purpose, not less than twenty nor more than thirty days after the passage of such ordinance or proposition;

Now, therefore, I, Samuel Westheimer, acting mayor of the city of Saint Joseph, do hereby announce and proclaim that on the first Tuesday after the first Monday in April next, the same being Tuesday, the 7th day of April, A. D. 1885, an election will be held for the purpose of deciding whether the city of Saint Joseph shall be incorporated under the provisions of the general law provided for the government of cities of the second class, and upon that day the same will be submitted to the legal voters of the city, and every qualified voter in favor of ratifying this ordinance may at such election deposit a ballot "for city of second class, yes," and every qualified voter opposed to ratifying this ordinance may deposit at said election a ballot "for city of second class, no."

Done at the mayor's office in the city of Saint Joseph, state of Missouri, the 11th day of March, A. D. 1885.

SAMUEL WESTHEIMER,

Attest:

Acting Mayor.

F. M. TUFTS, City Register.

SEC. 8. Proclamation by mayor.—Mayor's Office, City Hall, Saint Joseph, Missouri, March 26th, 1885. By virtue of the authority in me vested by the charter and ordinances of the city of Saint Joseph, state of Missouri, I, H. R. W. Hartwig, mayor of the city of Saint Joseph, do hereby order and direct that an election be held at the usual places of voting in the several districts of each ward in the city of Saint Joseph, on the Tuesday after the first Monday in April, A. D. 1885, the same being Tuesday, the 7th day of April, 1885. * * * Also for the purpose of approving or rejecting an ordinance providing that the city of Saint Joseph be incorporated as a city of the second class. Approved March 10th, 1885. Every qualified voter in favor of ratifying this ordinance may at such election deposit a written or printed ballot in this form, "for city of second class, yes;" and every qualified voter opposed to such ratification may deposit at said election a written or printed ballot in this form "for city of second class, no."

Done at the mayor's office in the city of Saint Joseph, state of Missouri, this 26th day of March, 1885.

[Seal.]

H. R. W. HARTWIG,

Attest:

Mayor.

F. M. TUFTS, City Register.

SEC. 9. Proclamation by mayor declaring incorporation as a city of second class.—Whereas, it is provided by chapter 89, article 1, of Statutes [1879] of Missouri, that any city in this state existing by virtue of any special law, may elect to become a city of the class to which its population would entitle it under the provisions of this article, by passing an ordinance or proposition and submitting the same to the legal voters of such city at an election to be held for that purpose, and if a majority of such voters voting at such election shall ratify such ordinance or proposition, the mayor of such city shall issue his proclamation declaring the result of such election, and thereafter such city shall, by virtue of such vote, be incorporated under the provisions of the general law provided for the government of the class to which such city belongs; which class shall be determined by the last census taken, whether state or national;

And whereas, at an election held for that purpose in the city of Saint Joseph, state of Missouri, on Tuesday, the 7th day of April, A. D. 1885, not less than twenty nor more than thirty days after the passage of an ordinance or proposition entitled “an ordinance providing that the city of Saint Joseph be incorporated as a city of the second class,” which was approved March 10th, 1885, the whole number of legal voters voting at such election was thirty-three hundred and fifty-nine, and of these legal voters there were twenty-nine hundred and ninety-six voted in favor of said proposition or ordinance, being a majority of such voters voting at such election, ratifying the same;

And whereas, the city of Saint Joseph, by the last national census, contained more than twenty and less than one hundred thousand inhabitants, entitling it under the provisions of said article to be a city of the second class;

Therefore, I, H. R. W. Hartwig, mayor of the city of Saint Joseph, by virtue of the power in me vested, and in accordance with the statute aforesaid, declare the result of such election as ratifying such ordinance or proposition, and proclaim the city of Saint Joseph incorporated under the provisions of the general

law provided for the government of cities of the second class.

Done at the mayor's office in the city of Saint Joseph, and state of Missouri, this the 9th day of April, A. D. 1885.

[Seal]

H. R. W. HARTWIG,

Attest:

Mayor.

F. M. TUFTS, Register.

SPECIAL ORDINANCE NO. 4156.

AN ORDINANCE authorizing James M. Wilson, city counselor, to compile, revise and codify all necessary ordinances of the city of Saint Joseph, and also to codify and annotate all laws of the state which pertain to said city, and to superintend the printing thereof, and appropriating the sum of \$2,000 to pay for said printing and for such clerical services as may be required.

Be it Ordained by the Common Council of the City of St. Joseph, as follows:

SECTION 1. James M. Wilson, city counselor, is hereby authorized to compile, revise and codify all necessary ordinances of the city of St. Joseph, and also to codify and annotate all laws of the state which pertain to said city, and to superintend the printing thereof in book form. The said James M. Wilson is hereby authorized to employ such clerical force as may be necessary in said work of compiling, revising, codifying and annotating said ordinances and laws, and in preparing the same to be printed, and he is hereby further authorized to incur any necessary expense in and about said work, all of which shall, before being paid out of the money hereinafter appropriated, be approved by the revision committee heretofore appointed.

SEC. 2. For the purposes mentioned in section 1 of this ordinance the sum of two thousand dollars (\$2,000.00) is hereby appropriated out of the contingent and incidental fund, to be paid out only upon bills approved by James M. Wilson and the revision committee hereinabove referred to.

Sufficient unappropriated means stand to the department of

the general fund named in the foregoing ordinance to meet its requirements, and the same is in the treasury.

THOMAS R. ASHBROOK,
Comptroller.

Approved October 25th, 1904.

[SEAL]

WM. E. SPRATT,
Mayor.

Attest:

FRANK W. BEACH,
City Clerk.

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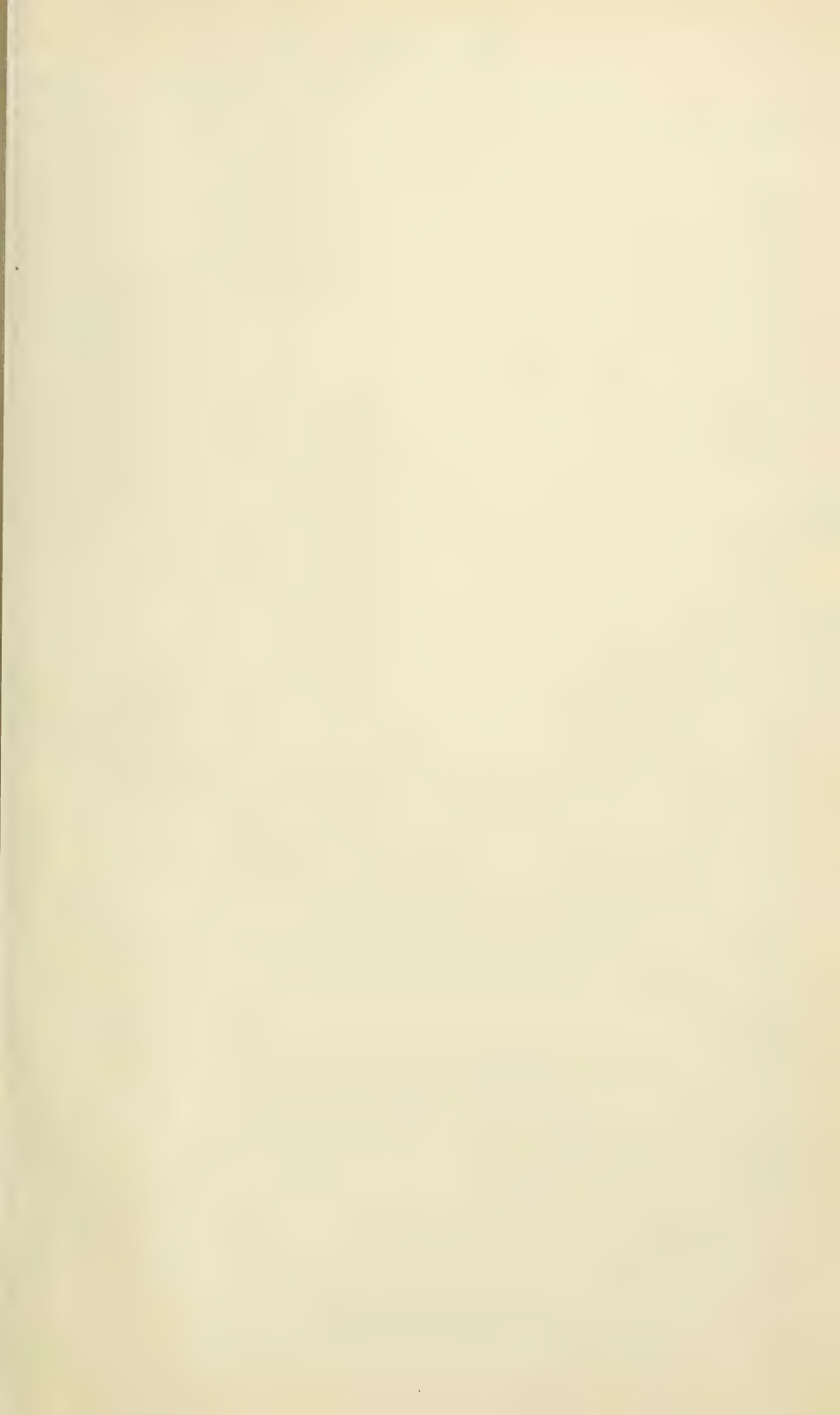
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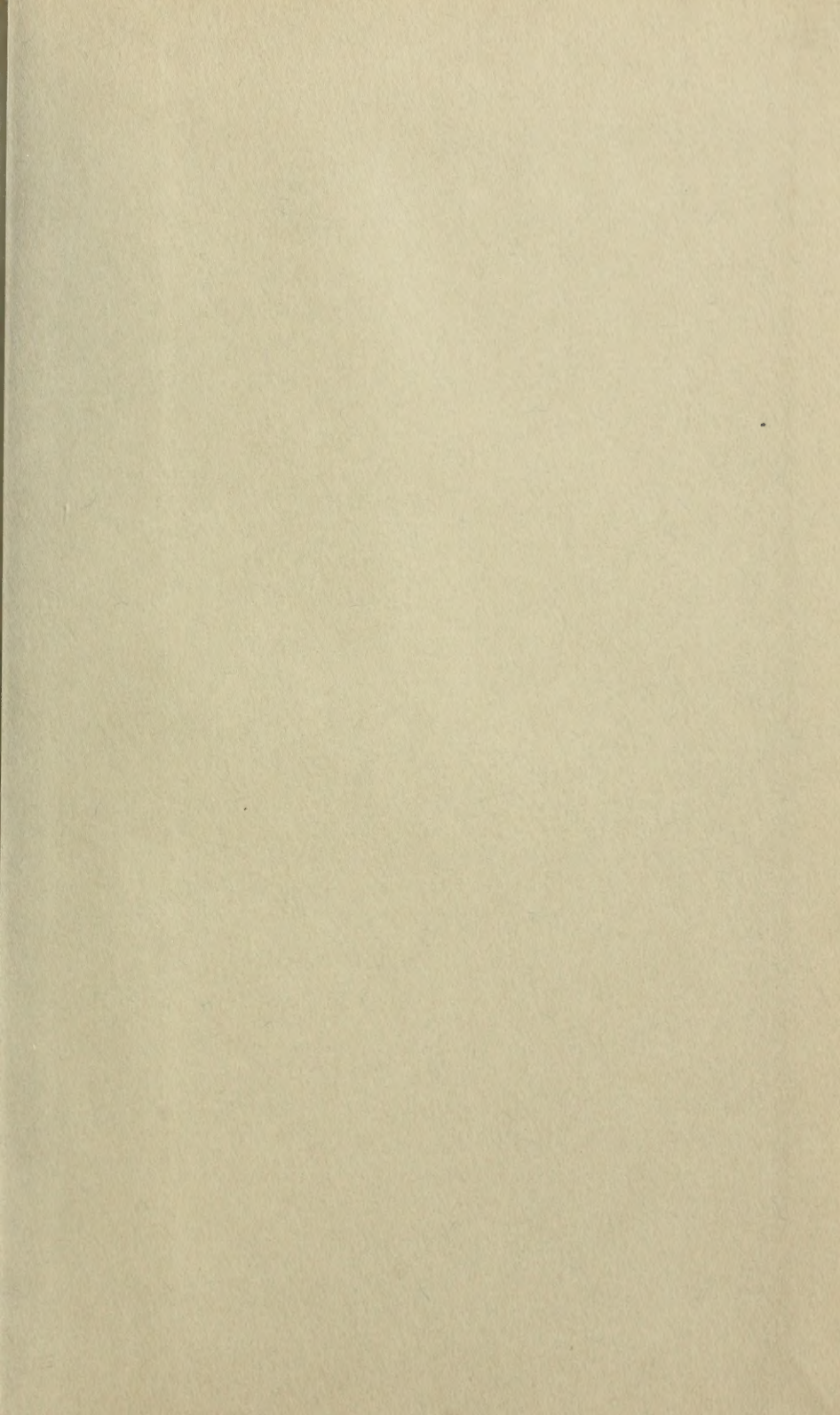
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